

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/00357/FUL	<b>Item</b>	<b>01</b>
<b>Date Valid</b>	26.02.2021	<b>Ward</b>	PLYMPTON ST MARY
<b>Site Address</b>	170 Hemerdon Heights Plymouth PL7 2TY		
<b>Proposal</b>	Part two-storey and part first floor side extension with part ground floor front extension (re-submission of 20/01190/FUL).		
<b>Applicant</b>	Mr & Mrs Sharp		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>23.04.2021</b>	<b>Committee Date</b>	<b>08.04.2021</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Mr Macauley Potter		
<b>Recommendation</b>	Refuse		



#### **4. Relevant Planning History**

20/01190/FUL - Part two-storey and part first floor side extension with part ground floor front extension – grant conditionally.

#### **5. Consultation Responses**

Highway Authority – no objections.

Plympton St Mary Neighbourhood Forum – no comments received.

#### **6. Representations**

None received.

#### **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).
- National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2019)

#### **8. Key Issues/Material Considerations**

- 8.1 This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7. This application turns upon policies DEVI (Protecting health and amenity) and DEV20 (Place shaping and quality of the built environment) of the adopted Joint Local Plan. The material planning considerations for this application are:
- Design
  - Residential amenity

#### **Principle of Development**

- 8.2 A near identical application was approved under 20/01190/FUL. Therefore this application is only considering a reduction of the previously negotiated first floor level 1 metre setback which is now proposed to be 0.3 metres, along with a 0.2 metre increase in the total height of the first floor level and the inclusion of a ground floor level side window serving the utility room. The principle of a first floor level setback, when considering the visual impact (outlined in DEV20) is acceptable; however the extent of the proposed setback is unacceptable.

#### **Visual Impact**

- 8.3 Officers have considered the visual impact of the development against the guidance in the Joint Local Plan SPD and consider the revised plans to undermine a previously negotiated and consented scheme. Paragraph 13.42 of the Joint Local Plan SPD states that a proposed first floor extension should normally be set back by at least 2m to ensure that subordination is maintained and terracing avoided. The proposed 0.3 metre setback falls far short of acceptable standards and would give rise to a 'terracing' effect (paragraph 13.40) resulting

from the uniformly spaced property line (numbers 168 to 171) and is also further compounded by the symmetrical appearance of the external facades.

- 8.4 Officers note that numbers 167 and 166 have two storey side extensions with no setback. In both of these instances, the properties are angled away from one another due to the turn of the street and were approved in 1985-86 (85/00511/FUL and 86/02172/FUL) which predates modern planning legislation. Furthermore, officers have considered two storey side extensions at 190 Hemerdon Heights (90/01170/FUL) and more recently at 189 Hemerdon Heights (20/01588/FUL). These latter two properties are situated at the end of a cul-de-sac, feature a break in the traditional design/finish pattern, are both located on a hillside which steps down towards the north and finally, the gap between 189 and 188 is substantially wider due to a public footpath. The site specific characteristics at 190-188 therefore differ from the characteristics along properties 168-171.
- 8.5 The proposals detail a minor increase of 0.2 metres in the total height of the first floor level. Whilst not desirable, officers consider that this is not grounds for refusal as some degree of sub-ordination is maintained.
- 8.6 DEV20 (2) states development should have "proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations." Officers consider that the proposal therefore does not accord with the Joint Local Plan.
- 8.7 The National Design Guide (2019) states that "Well-designed buildings relate well to the public spaces around them. The interface between building and public space is carefully designed so that it is positive and appropriate to its context and to the occupants and passers-by who use them." Officers therefore consider that the proposal is also contrary to sections H1 and H2 (Homes and Buildings) of the National Design Guide.
- 8.8 Paragraph 127 of the National Planning Policy Framework (2019) states "planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting."
- 8.9 Paragraph 130 adds: "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents." Officers therefore consider the proposal to be contrary to the NPPF (2019).

#### Amenity

- 8.10 Similarly to the previous application, officers have considered there to be no demonstrable adverse impacts to natural light, privacy and outlook. Officers have considered the inclusion of a new ground floor level side window serving the utility room and have no concerns with this revision on the privacy of 171 Hemerdon Heights. It should also be noted that no public comments have been received.

## **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **10. Local Finance Considerations**

N/A.

## **11. Planning Obligations**

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

## **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

## **13. Conclusions and Reasons for Decision**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposed side extension does not accord with policy and national guidance (specifically JLP Policy DEV20) resulting in a scenario that will have a demonstrably adverse impacts to the streetscape. The proposal is therefore recommended for refusal.

## **14. Recommendation**

In respect of the application dated 26.02.2021 it is recommended to Refuse.

## **15. Conditions / Reasons**

### **I REFUSAL: ADVERSE IMPACT TO STREET SCENE**

The proposed reduction of a previously approved first floor setback will give rise to the unwanted effect of 'terracing' resulting in a visual harm to the existing character of the surrounding streetscape. The proposal is therefore contrary to Policy DEV20 (Place shaping and the quality of the built environment) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019), Section 13 of The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020), paragraphs 127 and 130 of the National Planning Policy Framework 2019 and the National Design Guide 2019.

## **INFORMATIVES**

### **1      INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### **2      INFORMATIVE: REFUSAL (NO NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.