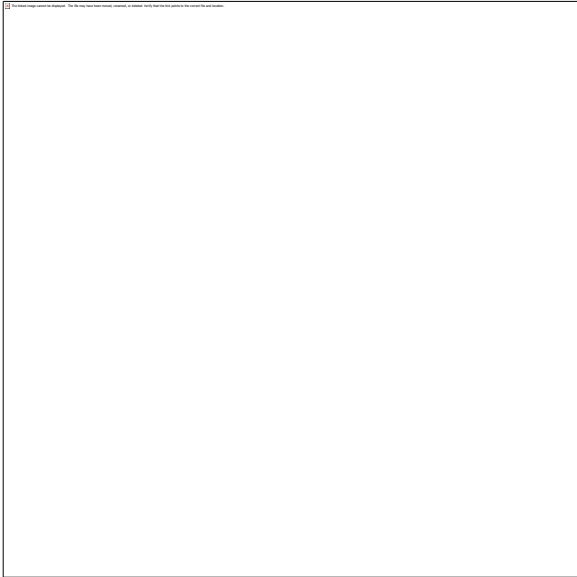


PLANNING APPLICATION OFFICERS REPORT



Application Number	21/00842/FUL	Item	05
Date Valid	07.05.2021	Ward	PLYMSTOCK RADFORD
Site Address	I Boston Close Plymouth PL9 7NR		
Proposal	Side extension to garage and new flat roof and rear Juliet balcony.		
Applicant	Mr & Mrs Vanstones		
Application Type	Full Application		
Target Date	02.07.2021	Committee Date	23.06.2021
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mr Mike Stone		
Recommendation	Grant Conditionally		



This application comes before the Planning Committee after being called in by Cllr Watkin, following representations from constituents

1. Description of Site

The application property is a detached three-storey dwellinghouse with a detached garage in the south west corner of the rear garden. The property is located on a new housing estate built on the site of the former Boston's Boatyard and close to the junction with The Old Wharf in the Turnchapel, Hooe and Oreston neighbourhood.

2. Proposal Description

The application was initially described as a Side extension to garage, carport and roof terrace with external staircase. Following negotiations, the carport and roof terrace with external staircase were removed. The new description of development is Side extension to garage and new flat roof and rear Juliet balcony.

The side extension to the garage is described as a Garden Room. It would be 5.4 metres wide, 5.8 metres deep and 2.9 metres to the flat roof. The existing pitched garage roof would be removed to create a new continuous "green" flat roof.

The rear facing bedroom windows on the middle floor would be replaced with a Juliet balcony.

3. Pre-application enquiry

There was no pre-application enquiry.

4. Relevant planning history

BOSTONS BOAT YARD, BAYLYS ROAD

12/01180/FUL - Re-develop site by erection of 53 dwellings with new access from the old wharf and associated roads and footways, parking and landscaping (demolition of existing buildings) - Granted Conditionally Subject to 106 Obligation.

5. Consultation responses

None required.

6. Representations

Seven letters of representation have been received. All the letters are objections, they object to the application for the following reasons;

- o Increase in overlooking and loss of privacy from the roof terrace
- o potential for noise nuisance from the roof terrace
- o unwanted precedent
- o roof terrace is contrary to policy
- o loss of amenity space
- o overdevelopment
- o flat roof would be out of keeping.

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 on 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).

1. 8. Analysis

This application has been considered in the context of the JLP, the Framework and other material policy documents as set out in Section 7.

2. The application turns upon policies DEVI (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment), the aims of the Joint Local Plan Supplementary Planning Document (JLP SPD) and the National Planning Policy Framework (NPPF) 2019. The primary planning considerations in this case are the impact on the character and appearance of the area and the impact on neighbour amenity.

3. Principle of Development

Joint Local Plan policies indicate that the proposal is acceptable in principle.

4. Negotiations Undertaken

The original plans submitted were considered unacceptable and the assessment has been based on the amended plans.

5. Visual Impact

Officers have considered the visual impact of the development against the guidance in the SPD and consider it acceptable. The proposal includes a flat roof to the garage extension. Letters of objection have referenced the flat roof. The SPD has a presumption against flats roofs but does make an exception where it is at the rear and helps to reduce impact on neighbours, as here. The use of a "Green" sedum roof is welcomed as a way of promoting biodiversity. The roof could be altered under permitted development rights. The proposed materials for the extension would match those on the main house.

6. The proposed Juliet balcony would not be visible from any public areas.

7. Amenity

Officers have considered the impact on neighbouring amenity against the guidance in the SPD and consider it acceptable.

8. Letters of objection have said that the garage extension would result in overdevelopment of the site and harmful loss of amenity space. A similar outbuilding could be built under permitted rights and would not exceed the 50% of the total area of the curtilage covered by buildings condition set out in the GPDO.

9. The estate has been built to a high density with small rear garden plots and three storey dwellings. There is already mutual overlooking from upper floor windows. Case officers do not consider that the addition of the Juliet balcony would result in significantly harmful overlooking of neighbours. A similar balcony could be built under permitted development.

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

Not applicable.

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.

No planning obligations have been sought in respect of this application.

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 proposal is acceptable and does accord with policies DEV1 and DEV20, the SPD guidance and the NPPF. The application is recommended for approval.

14. Recommendation

In respect of the application dated 07.05.2021 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

I **CONDITION: APPROVED PLANS**

Block Plan and Location plan 01 Rev A received 07/05/21
Proposed Elevations 12 Rev A received 10/06/21
Proposed Floor Plans 11 Rev A received 10/06/21
Proposed Elevations 2 13 Rev A received 10/06/21
Proposed Sectional Elevation 14 Rev A received 10/06/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: ROOF AREA USE RESTRICTION

The roof area of the garage and the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Local Planning Authority.

Reason:

The use of the roof area for such a purpose would be likely to lead to a loss of privacy to adjacent properties due to overlooking contrary to DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2019.

4 CONDITION: MATCHING MATERIALS

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason:

To ensure that the materials used are in keeping with the appearance of the existing building and the character of the area in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 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: CONDITIONAL APPROVAL (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 has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.