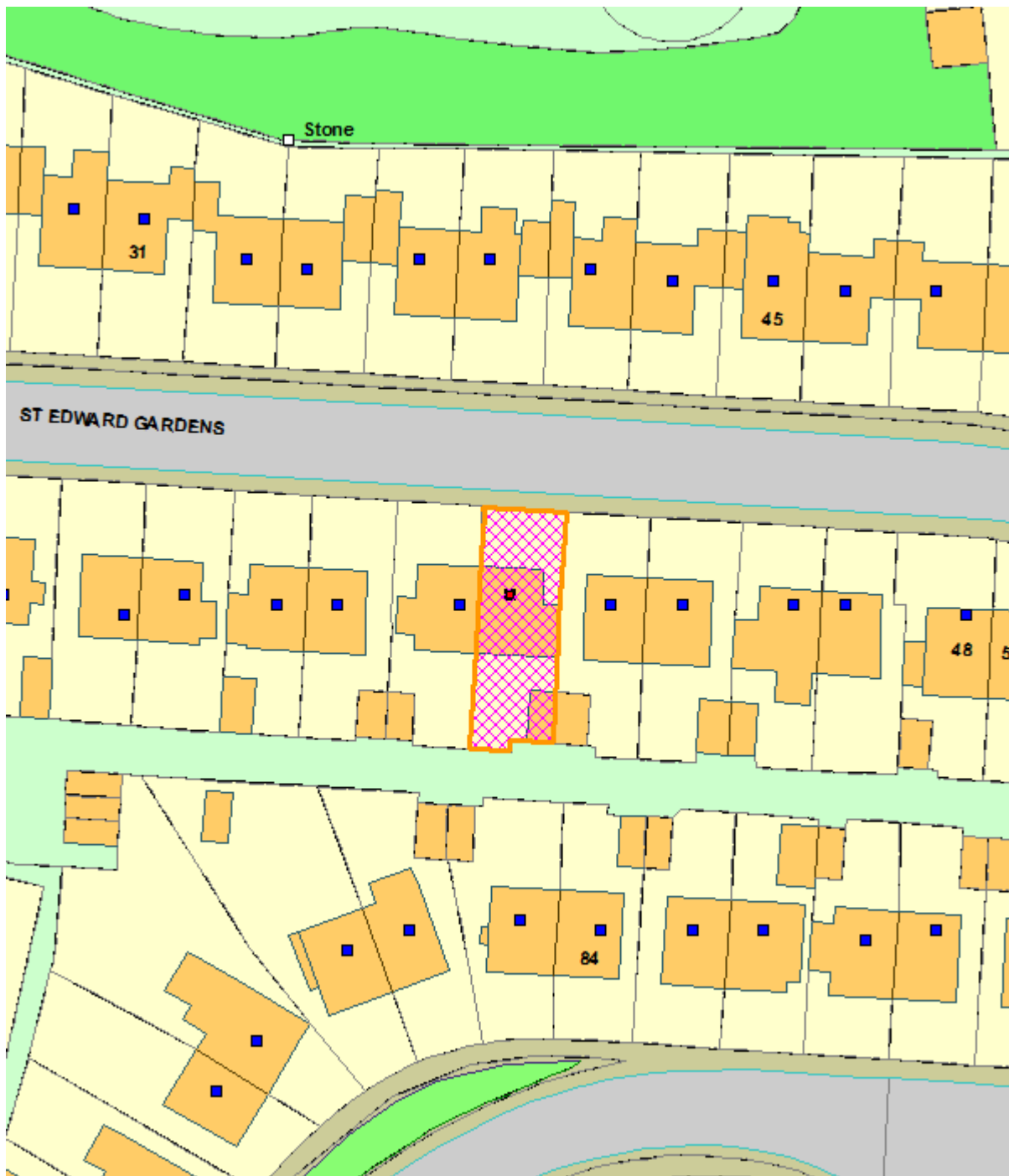


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/00567/FUL	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	21.04.2021	<b>Ward</b>	EGGBUCKLAND
<b>Site Address</b>	38 St Edward Gardens Plymouth PL6 5PD		
<b>Proposal</b>	Replacement of existing front/rear dormer roof with a new pitched roof.		
<b>Applicant</b>	Mr Richard Best		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>16.06.2021</b>	<b>Committee Date</b>	<b>23.06.2021</b>
<b>Extended Target Date</b>	<b>24.06.2021</b>		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Mr Macauley Potter		
<b>Recommendation</b>	Grant Conditionally		



This planning application has been referred to the Planning Committee as the applicant is an employee of the council.

### **1. Description of Site**

38 St Edward Gardens is a semi-detached dormer-style bungalow located in the Eggbuckland Ward of Plymouth.

### **2. Proposal Description**

Replacement of existing front/rear dormer roof with a new pitched roof.

### **3. Pre-application Enquiry**

No pre application enquiry associated with this application.

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

No planning history at this address.

## **5. Consultation Responses**

None requested.

## **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).

## **8. Analysis**

1 This application has been considered in the context of the development plan, Policies DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment) of the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The material planning considerations are:

- design
- impact on privacy/outlook
- impact on sunlight levels

### Site Context

2 St Edward Gardens contains a regularly spaced and uniform property line of near identical dormer style bungalows. There are however a combination of flat and pitched dormer roof elements throughout the property line.

### Principle of Development

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

### Design

4 Paragraph 13.52 of the JLP SPD states that dormer windows are only acceptable on the front roof of a property if they are a feature of nearby properties and if they are sensitively designed and located. In this case, there is a strong precedent for front and rear dormers within the property line. Presently no. 38 features front and rear flat roof dormers which are proposed to be altered to a pitched roof design that matches no. 36 and the wider property line. The pitched elements of the front and rear dormers intersect 200mm above the original ridge line. The finishing materials are proposed to be white uPVC cladding for the external walls and concrete tiles for the pitched roof (both of which match the existing materials palette). From a design perspective, it is concluded that the proposed alterations are in-keeping with the main dwelling and wider street scene for the reasons outlined.

5 Officers have therefore considered the overall visual impact of the proposed development against the guidance in the SPD and consider it acceptable and in accordance with policy DEV20 of the JLP.

#### Amenity

6 As the alterations only relate to a change in the roof design, there is no change to window placements, therefore privacy and outlook remain the same for both the applicants and surrounding neighbours. Officers have therefore considered the potential amenity impacts on the adjacent properties against the guidance in the JLP SPD, with specific reference to loss of light, privacy and outlook and consider the proposed alterations acceptable and in accordance with policy DEVI of the JLP.

### **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**

Although not designed and constructed for the ease of vulnerable/disabled users/occupiers, the development does not result in the hindrance of internal and external access in and around the property. The application has therefore 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 dormer roof alterations to the dwelling accord with policy and national guidance in terms of design and residential amenity and therefore is recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 21.04.2021 it is recommended to Grant Conditionally.

### **15. Conditions / Reasons**

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

#### **1      **CONDITION: APPROVED PLANS****

Proposed Elevations and Plans 21042021 - received 21/04/21  
Block Plan TQRQM21096161821779 - received 07/04/21  
Location Plan TQRQM21096155437590 - received 07/04/21

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: MATCHING MATERIALS****

For the avoidance of doubt, the materials to be used in the construction of the external surfaces of the dormer alterations hereby permitted shall match those used on the original dwelling:

-External dormer walls - white uPVC cladding

-Dormer roof elements - concrete tiles

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 (Place shaping and the quality of the built environment) of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Section 12 of 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 (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 has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## **3 INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):  
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>