

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/00376/FUL	<b>Item</b>	<b>04</b>
<b>Date Valid</b>	09.03.2021	<b>Ward</b>	HAM
<b>Site Address</b>	9 Recreation Road Plymouth PL2 3NA		
<b>Proposal</b>	Rear extension inc. removal of existing conservatory		
<b>Applicant</b>	Mr & Mrs Vallance		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>04.05.2021</b>	<b>Committee Date</b>	<b>23.06.2021</b>
<b>Extended Target Date</b>	<b>25.06.2021</b>		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Mr Paul McConville		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to Planning Committee as the applicant is an employee of Plymouth City Council.

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

9 Recreation Road is a two storey semi-detached dwelling in the Ham ward of Plymouth.

### **2. Proposal Description**

Rear extension including removal of the existing conservatory. The proposed rear extension is 20cm from the shared boundary and measures 4.05m deep, 7.5m wide and 3.2m in height.

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

No pre-application enquiry associated with this application.

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

02/01568/FUL - Rear conservatory. Granted conditionally.

#### **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 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).

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

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. The application turns upon policies DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

##### Site Context

2. The property currently has a rear conservatory with a hipped roof which measures 4.05m deep (with chamfered corners), 3.6m wide and 3.3m in height (eaves 2.4m). The existing conservatory is situated along the shared boundary of No. 11 Recreation Road.

3. The proposed extension will project 4.05m from the rear of the dwelling which is the same depth as the current conservatory. No. 11 Recreation Road has a conservatory to the rear which is situated along the shared boundary. The proposed rear extension at No. 9 is the same height as the conservatory at No. 11 but will project approximately 2m further.

##### Principle of Development

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

##### Negotiations Undertaken

5. The original plans submitted were considered acceptable and the assessment has been based on the original plans.

##### Visual Impact

6. Officers have considered the design and visual impact of the development against the guidance in the SPD and consider it acceptable in accordance with policy DEV20.

7. The rear extension is characteristic of a residential extension and appears subservient to the existing dwelling. The rear extension is deemed to be in keeping with the main dwelling and the character of the area and therefore accords with para 13.45 of the JLP SPD.

8. Paragraph 13.12 of the Joint Local Plan states that “flat roofs will be discouraged where they are not a feature of the original house although they can sometimes be acceptable at the rear of properties, particularly where they are not prominent”.

9. Officers consider the flat roof of this development to be acceptable as it is located to the rear of the property and not in a prominent position. Furthermore, the roof lantern is considered to soften the appearance of the proposed flat roof.

10. The wall to the north along the shared boundary will be blue/black brickwork while the west and south walls are to be finished with rendered masonry. The applicant has explained the difference in the north wall finish is due to the impracticality of rendering the wall with limited space available due to the neighbour’s conservatory.

11. The flat roof will be GPR/single ply membrane, and the doors and windows will be anthracite grey UPVC. All the proposed materials and finishes are considered appropriate against the guidance in the JLP SPD, clearly matching with the existing palette of the dwelling.

#### Amenity

12. The residents at No. 11 Recreation will be accustomed to having a neighbouring structure of 4.05m depth close to the shared boundary. Notwithstanding the difference in structure and materials, officers do not consider the rear extension to be overbearing or demonstrably harmful with regards to loss of light. The extension does not breach the 45 degree guidance set out in the JLP SPD, and the orientation and siting of the structure means that it is unlikely to cause significant overshadowing or a demonstrable loss of light; therefore officers consider the proposal to be acceptable and in accordance with policy DEVI.

#### Other Considerations

13. Officers consider there are no other material planning considerations relevant to this planning application.

### **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**

None.

### **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**

The development does not pose any adverse impact on street scene or neighbouring amenity and is considered compliant with policies DEV1 and DEV20 of the Joint Local Plan. Therefore, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, officers have concluded that the proposal accords with policy and national guidance and is recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 09.03.2021 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****

Location Plan 02032021 - received 02/03/21

Existing block/Site Plan and Proposed AV20 0806-01 - received 02/03/21

Proposed GF Layout and Elevations AV20 0806-05 - received 02/03/21

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.

## **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: UNCONDITIONAL APPROVAL (APART FROM TIME LIMIT AND APPROVED PLANS)**

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 granted planning permission.

## **3 INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

## **4 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>

## **5 INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

- Wildlife trigger