

PLANNING APPLICATION OFFICERS REPORT



Application Number	21/01637/FUL	Item	01
Date Valid	01.09.2021	Ward	PLYMSTOCK DUNSTONE
Site Address	5 First Avenue Billacombe Plymouth PL9 8AP		
Proposal	Raise roof height and create new gable end roof for accommodation in roofspace, demolition of conservatory and construction of part three storey and part single storey rear extension		
Applicant	Mr & Mrs Baynon		
Application Type	Full Application		
Target Date	27.10.2021	Committee Date	09.12.2021
Extended Target Date	16.12.2021		
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 Churchill.

I. Description of Site

Number 5 First Avenue is a detached bungalow with a hipped roof and a small rear extension covering roughly a third of the width of the bungalow. Next to the rear extension is a large conservatory with a glass pitched roof. Ground levels fall away steeply from front to back and the conservatory and the rear extension have significant underbuilds, the conservatory has a narrow wooden terrace behind it with a flight of external steps leading down to the long back garden. Below the conservatory is an area of raised decking. The property has a long back garden of over 25 metres and beyond that is an area of greenspace with mature trees screening the development behind.

First Avenue is a cul-de-sac accessed from Colesdown Hill and is in the Elburton and Dunstone Neighbourhood. The majority of properties on the same side of the street as the subject property

are of very similar appearance, being detached bungalows with hipped roofs and two front bay windows. The exceptions are nos. 1 and 2, a pair of semis and no. 4 which has a gable front roof, initially refused by the LPA (10/01326/FUL) and only granted on appeal.

2. Proposal Description

Raise roof height and create new gable end roof for accommodation in roofspace, demolition of conservatory and construction of part three storey and part single storey rear extension. The new gable roof would be 6.6 metres high at the front, 600mm higher than the current hipped roof. Eaves height at the front would increase from 2.6 metres to 3.0 metres.

At the rear, the existing conservatory and the back wall of the rear extension would be removed and an extension continuing over two floors and into the roof space constructed. The new build would continue to the location of the back wall of the former conservatory roughly 1 metre beyond the current back wall of the bungalow. The overall length of the property would increase to 13.7 metres.

At the rear there would be an increase in height from 5.7 metres to the top of the extension roof to 9.2 metres to the top of the new gable roof. At the sides the changes would be appear more pronounced with the switch from the hipped main roof and smaller hipped extension roof to the continuous gable roof.

At the rear of the property a new single storey extension would be added. It would be 8 metres wide, 4 metres deep and 2.9 metres high to the flat roof.

3. Pre-application enquiry

There was no pre-application enquiry with this proposal.

4. Relevant planning history

There is no planning history for the subject property.

4 First Avenue

10/00261/FUL - Single-storey rear extension, formation of rooms in roofspace of extended dwelling with rear first-floor window and side rooflights, and rear external decking area- Granted Conditionally.

10/01326/FUL - Single storey rear extension, formation of rooms in roofspace of extended dwelling, with rear first floor window and side rooflights, and change of front hip to gable, and rear external decking area (revised version of 10/00261/FUL) - Refused, front gable out of keeping. Overturned at appeal.

5. Consultation responses

None required.

6. Representations

The application was re-advertised following the submission of amended plans.

At the first consultation stage there were four letters of objection. The letters objected to the application for the following reasons;

- o The raised roof is out of keeping
- o The large front window will result in loss of privacy
- o The proposal is contrary to national and SPD guidance
- o Will result in high levels of overlooking and visual dominance
- o Loss of sunlight
- o Design is out of character with the rest of the street.

At the second consultation there were four letters of objection and one letter of support. The letters of objection reiterated earlier concerns set out in the first consultation. The letter of support says that the proposed gable roof is similar to others in the street and the extension would not result in loss of light, overlooking or overbearing appearance to the neighbouring property, no. 4.

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. Analysis

1. The relevant policies are: DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment).

2. Principle of Development

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

3. Negotiations Undertaken

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

4. Visual Impact

Officers have considered the visual impact of the development against the guidance in the SPD and consider it acceptable.

5. The subject property is located on the side of the street that is characterised by a row of similar detached bungalows with hipped roofs. The exception to this is the neighbour to the east, no. 4, which has a front gable roof. This was initially refused (10/01326/FUL) but granted on appeal (APP/N1160/D/10/2140663). At the appeal the inspector commented that;

6. "The gable roof is clearly different to the consistent design of the fully hipped short row of old bungalows that straddle the appeal property. However, when carefully viewed in the wider context of First Avenue as a whole, I did not find the gable design to be unacceptable. This is because I did not find the roof to be excessively high or bulky, or to be out of keeping; the fully hipped roof severely limits internal space and scope for alteration; the gable roof does not extend beyond the building line of the front elevation; the bay window design is retained in the front elevation; there is a significant variety of building styles and roof designs in the street where alterations have probably been made to original roof designs; and I found a strong echo between the subject roof and some other houses such as No 12."

7. The application property, unlike no. 4, has a large glazed section in the front upper part of the gable. The case officer does not feel that this feature would have a detrimental impact on the visual

quality of the street scene. Based on the appeal precedent, the case officer considers the design of the front gable roof acceptable and to comply with JLP Policy DEV20.

8. Materials would be painted render to match the main house.

9. Amenity

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

10. Regarding the proposed gable roof at the front of the property, letters of representation have objected to the potential loss of privacy for neighbours opposite from the large, upper glazed section in the front elevation of the roof.

11. Paragraph 13.19 of the SPD says that;

"Habitable room windows facing directly opposite one another should be a minimum of 21 metres apart for a two-storey development."

12. The submitted Site Location Plan and the council's own Geographical Information System, put the window to window distance at over 30 metres. Additionally, the subject property is set much lower down than neighbouring properties on the opposite side of the road.

13. At the rear, ground levels fall away steeply and there is already considerable mutual overlooking of neighbouring gardens. The elevated, fully glazed conservatory particularly offers views into neighbour's private gardens.

14. Letters of objection have mentioned concerns about increased overlooking. Following negotiations, the design of the upper floor rear window has been amended. The sill of the window was raised up by 770 mm and a section of glass closest to the neighbouring property has been replaced with a fixed panel. A condition requiring the submission of a new planning application for the creation of any further windows in the rear elevation is recommended.

15. The case officer considers that the amended proposal, which will result in the removal of the conservatory and the narrow terrace will help to reduce the level of overlooking and also the perception of overlooking when the conservatory is in use.

16. Letters of objection have referenced the SPD 45 degree guidance and loss of light. The applicants have submitted a site plan to demonstrate the new rear extension would comply with the 45 degree guidance. The rear elevations of properties on this side of First Avenue face south so benefit from the maximum sunlight and daylight.

17. Letters of objection have mentioned overbearing appearance. The case officer considers that the visual orientation of the garden is towards the green space behind. The back of the house will be finished in matching materials and on balance the case officer does not feel the position would be significantly more harmful than with the current conservatory, terrace and decking.

18. A 4 metre deep single storey extension is proposed for the rear of the house. Given the fall in ground levels, the high boundary fence and the presence of a boundary hedge, the case officer does not consider that this would have a harmful impact on neighbour amenity.

19. The extension has a flat roof. The SPD has a presumption against flat roofs but does make exceptions, as in this case, where they are at the rear and help to reduce the impact on neighbours. A condition stating that the flat roof cannot be used as a balcony or roof terrace without the submission of a further planning application is recommended.

20. The extension would be finished in vertical timber cladding. This is not a material found elsewhere in the street, but the case officer considers it acceptable in this rear location. It should be noted that the addition of cladding is also permitted development outside of conservation areas and listed buildings.

21. The case officer considers that the proposal complies with policies DEV1 and DEV20 and is recommend for conditional approval.

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 accords with policies DEV1 and DEV20 and national guidance. The application is recommended for approval.

14. Recommendation

In respect of the application dated 01.09.2021 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

Site Location 169_001 Rev 1 received 31/08/21

Roof Plan (Proposed) 169_011 Rev 5 received 29/10/21

Site Layout Plan (Proposed) 169_008 Rev 4 received 29/10/21

GF GA Plan (Proposed) 169_009 Rev 5 received 29/10/21
FF GA Plan (Proposed) 169_010 Rev 4 received 29/10/21
Elevations (Proposed) 169_012 Rev 5 received 29/10/21
Building Section (Proposed) 169_013 Rev 5 received 29/10/21
LGF GA Plan (Proposed) 169_014 Rev 5 received 29/10/21

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

The materials to be used in the construction of the external surfaces of the multi-storey extension to the main house 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 DEV10 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

4 CONDITION: NO FURTHER WINDOWS

No additional windows or openings shall be inserted into the rear elevation of the main house without the grant of a further specific permission from the Local Planning Authority.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019.

5 CONDITION: ROOF AREA USE RESTRICTION

The roof area of 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:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019.

6 CONDITION: ECOLOGICAL MITIGATION

To promote biodiversity, the applicant shall provide for the installation of 2 no. enclosed bird bricks or bat boxes, within the east or west elevations of the building.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT11 and DEV26 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and Government advice contained in paragraphs 174 and 180 of the NPPF 2021.

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.

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.