

PLANNING APPLICATION OFFICERS REPORT



Application Number	21/01616/FUL	Item	02
Date Valid	26.08.2021	Ward	COMPTON
Site Address	17 Thorn Park Plymouth PL3 4TG		
Proposal	Garden studio building and alterations to boundary wall		
Applicant	Mr A Sanders		
Application Type	Full Application		
Target Date	21.10.2021	Committee Date	09.12.2021
Extended Target Date	25.11.2021		
Decision Category	Councillor Referral		
Case Officer	Miss Emily Godwin		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Cllr Johnson.

1. Description of Site

17 Thorn Park is a large terraced dwelling located within the Mannamead Conservation Area.

2. Proposal Description

The application is for a garden studio and alterations to the boundary wall.

The garden studio is proposed to be 5.2m wide and 6.1m deep. It will have a pitched roof, with an eaves height of 4m and a ridge height of 5.6m, providing space for storage in the roof. On the South elevation, 2 velux windows are proposed on the roof. Windows with obscure glazing are proposed in line with the storage platform on both the North and South elevations. Doors to access the studio are proposed on the South and West elevations.

The garden studio will lie directly next to the coach house at 18 Thorn Park. The proposal includes a complementary palette of materials, include stone clad walls and a natural slate roof to match the surrounding area and neighbouring garden building.

The studio will provide additional recreation space on the ground floor, as well as additional storage provided by a storage platform and attic area.

The rear boundary wall is proposed to be rebuilt. This will be at the same height as the existing boundary wall, and will be constructed with stone. The location of the gate will be moved further to the west to accommodate the proposed garden studio.

3. Pre-application enquiry

There was no pre-application enquiry.

4. Relevant planning history

21/00587/TCO - Apple (A1) - Reduce crown by 1.5m and 2m off one side (hanging over a neighbour's wall at 18 Thorn Park). Bay leaf tree (B1) - Reduce crown by 1m and 40cm around the sides. Bay Leaf (B2) - Reduce crown by 1m and 30cm around the sides. Cherry (C1) - Reduce crown by 2m. Cherry Laurel (C2): Reduce 30cm around the sides. Japanese Privet (J1) - Reduce crown by 1m. Pear (P1) - not in work schedule - reduce crown by 1-1.5m.

All reduction points to be to nearest natural growth points (side shoots). Granted Conditionally

5. Consultation responses

Historic Environment and Urban Design -Verbal discussions with the Historic Environment Officer and Urban Design Team raised concerns regarding the design of the building. Following re-consultation with amended plans, no further concerns have been raised.

Natural Infrastructure Team - No objection subject to appropriate mitigation.

Highways Authority - No in-principle objections.

6. Representations

The initial consultation period ran from 07/09/2021 until 28/09/2021. During this period, eight letters of representation (LOR) were received. Following the submission of amended plans, a second consultation period ran from 03/11/2021 to 18/11/2021 where one further LOR was received, and the application was referred to the Planning Committee.

The received LORS have raised the following material planning concerns:

- The garden studio is of disproportionate height, which would impact on the historic significance of the coach house at 18 Thorn Park
- The height may lead to the setting of a precedent for more tall garden buildings
- The design does not match the garden buildings and garages along the service lane
- Materials used do not match the surrounding area and are not of a high quality
- Concerns over the future use of the garden studio, that it could be converted into a self-contained unit, or holiday let; and the additional pressures this may have on parking, utilities and local services
- Would have a detrimental impact on the conservation area and its heritage assets
- Would lead to the over-development of the property
- Placement of windows on the southern elevation will give rise to overlooking and reduced privacy for residents
- Loss of potential garage which could alleviate parking issues for the area
- Concerns of the noise and disturbance and parking issues during construction
- Concerns of damage to root structure of protected trees

- No provision of off-street parking
- Additional demand on utilities and energy and the generation of greenhouse gases

The following non-material planning considerations were also raised in LORs submitted:

- Loss of views for residents on Thorn Park, Whitehouse Road and the Coach House

The above concern raised is non-material in the context of the planning process and therefore have no bearing on this recommendation. Officers will consider the impact of the proposal on outlook from neighbouring properties, to ensure that the proposed development is not overbearing. However, as guidance does not protect views, it falls outside the planning process.

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. 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.

8.2 The relevant policies are: DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment), DEV21 (Development affecting the historic environment), DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV29 (Specific provisions relating to transport) of the Plymouth and SW Devon Joint Local Plan and DEV32 (Delivering Low Carbon Development).

8.2 Principle of Development

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

8.3 Negotiations Undertaken

8.3.1 Verbal discussions with the Historic Environment (HE) Officer and Urban Design Team were held regarding the design of the building. Issues raised by the LORs including the height and design of the building were addressed in discussions. The Urban Design Team raised concerns that the materials proposed and the siting of the building did not positively contribute to the surrounding conservation area. To ensure the garden building was sensitively designed to be cohesive with the local pattern of development, the HE officer and Urban Design Team recommended the building be clad with stone on all visible elevations, and to adjoin the garden building at no.18. It was considered that an improved design would be appropriate for a building of this height and prominence. Following re-consultation with amended plans addressing these concerns, no further comments have been raised. Consideration of the application will be based on these amended plans.

8.4 Visual Impact

8.4.1 Policy DEV20 of the Plymouth and South West Devon Joint Local Plan states that 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.

8.4.2 Overall, the proposal promotes a complementary palette of materials. Original plans submitted were not supported by the HE and Urban Design teams as the materials proposed were not of a high enough quality for the conservation area, amended plans demonstrate an improved palette of materials. Officers note that submitted LORs have raised the materials proposed as an issue with the proposed development.

8.4.3 The amended plans demonstrate the proposed use of stone-cladding for the external walls of the garden building, and natural slate for the roof. Therefore, whilst the originally proposed materials have been considered unacceptable for their negative visual impact, officers are satisfied with the amended proposal's use of stone cladding, and natural slate for the roof. It is considered that such materials are of a high quality that will provide positive visual impact for the rear service lane, where many materials used in back garden developments have not been of such a high quality. In addition, such materials are considered to relate well to the main property, as well as being in-keeping with the garden building at number 18, and the wider Mannamead Conservation Area.

8.4.4. To ensure the historic significance of the Mannamead Conservation area is protected in light of this development, a condition has been included that the applicant must provide further details regarding the stone and stone cladding proposed for the garden studio and boundary wall.

8.4.5 Furthermore, LORs have raised concerns regarding the scale of the garden studio, with particular regard to its height, and the potential this could have in setting a precedent for more tall garden buildings in the area. During the site visit, officers noted that the construction of garden buildings and garages has been popular in the area, and have been constructed to with a wide range of styles and sizes.

8.4.6 Table 12 of the SPD guidance outlines the design principles related to building heights and massing. It states that "buildings should respond positively to the scale of adjacent buildings, streets and spaces". Whilst the proposed garden studio will be taller than some existing development, officers note that it will be the same height as the garden building at no.18 and is therefore considered to relate well to the local area and surrounding buildings. As a result, the proposed height is not considered to be out-of-keeping with the local pattern of development and would not provide sufficient grounds for the refusal of the application.

8.4.7 The proposed garden studio is thought to appropriately reflect the local pattern of development, and would not detract from the visual appearance of the site, the garden building at no.18 and the wider conservation area. There are many developments in the rear gardens of properties in the area, and so officers do not consider the proposed works would lead to an over-development of the site. A suitable garden will still be retained for the property and as such, the proposal is thought to have a positive visual impact on the rear service lane and conform with Policy DEV20 of the Joint Local Plan and the guidance as set out within the Plymouth and SW Devon SPD.

8.5 Amenity

8.5.1 DEVI of the Plymouth and SW Devon Joint Local Plan highlights the importance of "ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance". The proposed garden studio has been assessed against guidance protecting

against the loss of outlook or daylight to neighbouring properties and is considered to be acceptable. The proposed garden studio will be located at the rear of the garden, a significant distance from neighbouring property windows. Officers therefore do not expect the proposed works to impact on the daylight or outlook experienced by neighbours, nor will it lead to increased issues of overlooking and breaches of privacy for neighbours. Thus, officers find the proposal compliant with Policy DEVI.

8.5.2 LORs have stated concerns that windows proposed on the Southern elevation of the garden studio will give rise to overlooking and reduced privacy for neighbours. The south elevation is proposed to have two velux rooflights in the roof space and a window that will be visible to the neighbours at 16 and 18 Thorn Park.

8.5.3 Officers have assessed the placement and type of windows proposed and are not concerned they will lead to any reduction in privacy for neighbours as they are proposed to serve the loft spaces and therefore will not be habitable. Furthermore, all windows proposed at the upper level are obscure glazed, and therefore cannot lead to an increase in overlooking into neighbouring properties or gardens. Officers also merit the choice of velux rooflights in the roof, as they can safeguard privacy for neighbours, in line with paragraph 13.12 of the SPD. To ensure that such privacy is protected, a condition requiring obscure glazing has been added to the proposal as to avoid the installation of clear windows in the future.

8.5.4 Concerns raised by local residents cite the proposed garden studio is likely to be dominating and overbearing from neighbouring gardens. To this end, officers have assessed the dominance of the garden studio and consider it is acceptable. The garden of 17 Thorn Park contains many large trees that would largely screen the development from view.

8.5.5 Comments have also been raised concerning the potential that works will cause noise and disturbance as the garden studio is constructed. Officers are aware that construction works can create disturbance and should be undertaken responsibly. Therefore, an informative outlining the requirements of the Council's Code of Practice has been included.

8.5.6 As such, officers find the garden studio to be in accordance with Policy DEVI as the proposal demonstrates accordance with the satisfactory provision of daylight, sunlight, outlook and privacy for neighbours.

8.6 Proposed Use

8.6.1 The proposed building has been described as a garden studio, which will be used for leisure purposes including a home gym, cinema or games room, and an upper-level storage loft.

8.6.2 LORs have raised concerns that the scale of the garden studio could be suitable as a habitable space, and may be converted in the future to a self-contained unit. As paragraph 4.141 of the SPD states that garden development can have a negative impact on the character and amenity of an area, officers have recognised the concerns raised. Officers are aware that such development can be problematic if it leads to the creation of a self-contained unit as it may result in the creation of sub-standard accommodation with inadequate privacy, access, parking and amenity space.

8.6.3 Accordingly, to ensure the responsible and suitable use of the garden studio, a condition has been applied to restrict the usage of the garden studio to be ancillary to that of the main dwelling and in line with the proposed use set out in the Design and Access Statement.

8.7 Highways

8.7.1 Following the submission of LORs raising concerns that the proposed garden studio would lead to the loss of a potential garage, which could alleviate parking issues in the area, the Local Highway Authority (LHA) were consulted on the application.

8.7.2 The property currently does not benefit from any form of off-street parking. Historically, in the location of the proposed garden building an outbuilding was used as a garage. The use of which has been discontinued some time before 2012.

8.7.3 Officers can appreciate that the increase in off-street parking would be beneficial for the area, and could lead to improvements in highway safety, in accordance with DEV29. Nevertheless, comments from the LHA state that on-street car parking has long since been established for the property, and that no further parking demand is expected as a result of the proposed garden studio.

8.7.4 To this end, the LHA do not raise any objections to the proposed works. As aforementioned, to ensure that a further increase in parking demand is prevented, a condition has been added to restrict the use of the outbuilding. As a result, the works are considered in line with Policy DEV29 of the JLP.

8.8 Impact on the Historic Environment

8.8.1 The site is located within the Mannamead Conservation Area. The Local Planning Authority (LPA) has a duty to ensure that developments requiring planning permission in conservation areas are approved only if they preserve or enhance the character or appearance of the area's features of special architectural or historic interest.

8.8.2 Currently, officers do not consider the site to contribute well to the overall character of the area. Currently, the rear boundary wall has been reconstructed with breeze blocks following the demolition of the garage in the past. Therefore, where the boundary wall is proposed to be rebuilt using stone it is considered that the inclusion of high quality materials will lend itself to a positive development for the area.

8.8.3 Consultation with the HE Team and Urban Design Team has ensured its compliance with Policy DEV21 of the JLP. It is considered that the amended plans submitted reflect well on the massing, design and materials of the existing neighbouring building. Accordingly, the matching design of the proposed garden studio ensures that the development is compatible with its surroundings.

8.8.4 Discussions with these consultees noted that the coach house at no.18 is a characteristic and significant building within the Conservation Area, and that any development to take place alongside this should be appropriately and sensitively designed as to protect the special historic quality of the coach house. To this end, officers were recommended that on balance, the proposed high quality materials and cohesive design relates well to the coach house, to the extent that the height of the development can be justified. The proposed high quality design of the garden studio is therefore considered to celebrate the local distinctiveness and historic character that the coach house provides. As a result, officers find the site to make a positive contribution to the area.

8.8.5 No objections have been raised by the HE officer in regards to the amended plans and have recommended the addition of a condition to ensure the use of natural slate for the roof, close in colour to the neighbouring garden building. Slate details have been received and analysed by the HE officer. The proposed Crianza slates are a natural slate which has been considered by the HE officer who has found the slate to be acceptable. To ensure the quality of the proposed works, a pre-commencement condition has been added to allow for the assessment of the proposed stone to be used on the boundary wall and the garden studio.

8.8.6 To this end, subject to the approval of the stone, officers find the proposed works to be in compliance with Policy DEV21 of the JLP.

8.9 Biodiversity

8.9.1 Due to the trees on site, the Natural Infrastructure Team (NIT) have been consulted on the application. Initial comments highlighted that further information regarding the trees was required.

8.9.2 The NIT raised concerns that the storing of construction materials in the garden may be within the Root Protection Area of the protected trees, which could lead to the compaction of soil and therefore be detrimental to their long term health. Accordingly, the NIT have recommended that tree protection measures are in place, ensuring that trees on site are protected from construction activities and the storage of materials.

8.9.3 To this end, a condition has been added which requires the existing trees to be protected and retained. Within this condition, it is required that barriers and ground protection will be undertaken for all protected trees on site. The NIT are satisfied that subject to the condition, including that root protection measures outlined in the Arboricultural Impact Assessment are followed that there are no concerns related to the proposed works.

8.9.4 Furthermore, the NIT consider that as tree T002 will be in close proximity to the proposed building, it is likely that applications to prune this tree will increase - which may threaten the long-term viability of the tree. However, the NIT consider that tree T002 is only protected due to being located within the Mannamead conservation area (and not under a Tree Protection Order), so this increase in regular maintenance does not constitute a major concern.

8.9.5 A further condition has been added to ensure the biodiversity value of the site is not lost as a result of the development. The installation of 2 bat boxes/ bird bricks will be required within the fabric of the building in order to deliver a biodiversity net gain.

8.9.6 Overall, subject to conditions, officers are satisfied that the proposed garden building will ensure the retention, protection and enhancement of biodiversity on site, in accordance with Policy DEV26 and DEV28 of the JLP.

8.10 Resource Minimisation

8.10.1 LORs have raised concerns that during the garden studio would lead to a rise in demand for utilities and energy through its use and its construction would generate increased greenhouse gas emissions. DEV32 of the JLP states that developments should identify opportunities to minimise the use of natural resources in the development over its lifetime. Officers consider that the resources required in the construction and use of the garden studio would be minimal at this scale and would not provide sufficient grounds for refusal.

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.

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 the case officer has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

The proposed garden studio and boundary alterations are considered to be appropriate for planning approval. 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.

It is considered that for the reasons set out in the analysis section, the development does not have an adverse impact on the character or appearance of the area, have a significant harmful impact on neighbours, negatively impact on historic environment, be harmful to biodiversity or impact on highway safety.

14. Recommendation

In respect of the application dated 26.08.2021 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 Arrangements 3978 GA02 Rev B received 04/10/21

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: OBSCURE GLAZING

The windows at loft level on the North and South elevations of the garden studio shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscurely glazed window shall be retained in perpetuity.

Reason:

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

4 CONDITION: STONE AND STONE CLADDING

PRE-COMMENCEMENT

No development shall take place until full details (including samples) of the stone and stone cladding have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason:

To ensure that the details of the proposed work do not conflict with Policy DEV21 of the Plymouth and South West Devon Joint Local Development Plan (2014-2034) 2019 and the National Planning Policy Framework 2019.

5 CONDITION: BIRD/BAT BOX / ECOLOGICAL MITIGATION

PRE-OCCUPATION

The installation of 2 enclosed bat boxes/ bird bricks within the fabric of the building.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 179 & 180.

6 CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/ PROTECTED

In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans in DTS 21.4887.1.AMS and DTS 21.4887.1.TPP and in accordance with section 6.2 of BS 5837:2021 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be

altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

7 CONDITION: USE RESTRICTION

The proposed garden studio shall only be used for purposes incidental to the enjoyment of the dwellinghouse as a home gym/cinema and storage space.

Reason:

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development in accordance with Policies DEV1 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 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: 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>