

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/01957/FUL	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	03.11.2021	<b>Ward</b>	PLYMSTOCK RADFORD
<b>Site Address</b>	27 St Johns Drive Plymouth PL9 9SB		
<b>Proposal</b>	Raise roof height and add front gable roof extension, three storey rear extension, single storey rear extension, rear dormer with Juliet balcony, side dormer, side and rear raised terrace and raise front garden level to create parking area.		
<b>Applicant</b>	Mr & Mrs Elliott-Smith		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>29.12.2021</b>	<b>Committee Date</b>	<b>13.01.2022</b>
<b>Extended Target Date</b>	<b>20.01.2022</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Grant Conditionally		



**This application comes before the Planning Committee after being called in by Cllr Watkin.**

### **I. Description of Site**

Number 27 St John's Drive is a detached bungalow with a small side extension and a detached side garage. Ground levels fall away from the road level. At the back of the bungalow there is a large rear garden over 25 metres deep and over 20 metres wide. Properties behind in Amacre Drive are set lower down the slope than those in St John's Drive. At the rear of the property are steps leading down to a large patio/terrace area with views over Hooe Lake to the east. The area is residential in character but there is an eclectic mix of style and house types and no single materials palette.

The site is located in the Turnchapel, Hooe and Oreston Neighbourhood.

## **2. Proposal Description**

Raise roof height and add front gable roof extension, three storey rear extension, single storey rear extension, rear dormer with Juliet balcony, side dormer, side and rear raised terrace and raise front garden level to create parking area.

The majority of the main bungalow roof would be raised by 600mm. A 5 metre deep, 5.8 metre wide rear extension would be added. It would include a front to back gable roof with the front gable projecting roughly 4 metres forward at ridge height from the main house roof. The top of the rear gable would be 9 metres above the garden level.

A large side and rear raised terrace would wrap around the new rear extension. It would be 8.6 metres wide and 5.4 metres deep and 2.2 metres above the garden level at its highest point. Below the terrace would be a new en-suite bedroom with doors opening out on to a patio. A new single storey extension, 2.8 metres square, would provide a covered staircase leading to the main extension above.

A pitched roof rear dormer with Juliet balcony would be formed in the roof space. The dormer would be 1.8 metres wide, 2 metres deep and 2.7 metres high.

Another pitched roof side dormer would serve a bedroom in the new three-storey extension. It would be 1.8 metres wide, 2 metres deep and 1.9 metres high.

At the front of the house near the garage, the ground level would be raised up by 1.2 metres to road level for 4.5 metres to form a vehicle hardstanding area. A new set of steps would lead down to the front entrance of the house.

The proposed site plan shows a detached outbuilding described as a Home Office. The agent has confirmed that this would be built later under permitted development, is shown for completeness only and does not form part of the application.

## **3. Pre-application enquiry**

There was no pre-application enquiry with this proposal.

## **4. Relevant planning history**

There is no planning history for the property.

## **5. Consultation responses**

NIPT- refer to the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document for guidance.

South West Water - a plan of the site showing the company's infrastructure and details of asset protection measures has been sent to the agent and copied to the LPA.

Environment Agency, in relation to the Cattedown Control of Major Accident Hazard (COMAH) sites - no objections to this application given the scale and nature of the proposal.

## **6. Representations**

The public consultation ends on 21st December. Six letters of representation have been received. Three letters object to the proposal and three letters are in support. The letters of objection raise the following concerns;

- o Loss of privacy
- o Overbearing appearance
- o Out of keeping with the character of the area.

The letters of support state that;

- o Even with the roof raised it would be below the level of other roofs in the street
- o It would not extend back further than others in the street
- o There is no single design or style in the street
- o The proposal will modernise the property
- o Most other properties have some form of extension
- o Will not impact on other properties.

## **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:

- o The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

### **1. 8. Analysis**

The relevant policies are: DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment), DEV26 (Protecting and enhancing biodiversity and geological conservation) and DEV29 (Specific provisions relating to transport).

### **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. A rear facing projecting balcony has been replaced with a Juliet balcony.

### **4. Visual Impact**

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

5. Letters of objection have said that the development would be out of character. At the rear, the proposed three-storey gable extension would be visible from public areas on the other side of Hooe Lake. Materials would be slate and painted render, similar to others in the street. There is no uniform architectural style in the area. The gable design would reflect the twin gables of St. John's Church at the top of the hill and located behind and above the application site.

6. At the front, the proposed gable roof extension would mirror other gable roofs on houses and bungalows in the street. Even with the roof height raised it would still be lower than that of the neighbour to the north, a two storey dwellinghouse.

7. The use of high quality materials such as aluminium for the doors and windows and galvanised metal rainwater goods is welcomed.

8. Case officers do not consider that the proposal would have a harmful impact on the street scene.

9. Amenity

Officers have considered the impact on neighbouring amenity against the guidance in the SPD and consider it acceptable. Letters of objection have mentioned the issue of overlooking of the properties to the rear.

10. The rear elevations of properties in this part of St John's Drive face Hooe Lake and terraces and balconies are a feature and there is already considerable mutual overlooking of back gardens.

11. Paragraph 13.19 of the JLP SPD states;

"Habitable room windows facing directly opposite one another should be a minimum of 21 metres apart for a two-storey development. This distance should be increased to 28 metres when one or more of the buildings are three-storeys in height or there is a drop in levels that reduce privacy."

12. The rear facing windows at the third floor level would be located in the gable extension and the rear dormer serving Bedroom 3. The upper level of the gable extension is a void serving a double height living area so would not be accessible to occupants.

13. Based on the applicant's submitted site plan and the council's own Geographical Information System, the window to window distance from the upper floor of the gable extension to properties behind would be over 30 metres. However, as there would be no accommodation in the upper floor, the only relevant third level window would be the dormer in Bedroom 3, which would be over 35 metres from the nearest dwelling. Should the application be approved and at some point in the future a floor added to the gable extension, it would still be beyond the threshold set out in the SPD.

14. The neighbour to the north has a large part two storey/part three-storey rear extension.

Paragraph 13.28 of the SPD says that;

"In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m. This distance should be increased for a three-storey development, normally to at least 15m."

15. The distance between the neighbour's extension and the proposed extension would be 9.4 metres. No objections have been received and the case officer considers that the windows in the neighbour's extension benefit from being dual aspect with rear facing views over the lake.

16. Given the distance between properties and the presence of the large extension, overshadowing of the neighbour's private garden is not felt to be a concern.

17. A new side dormer serving Bedroom 2 would have a window facing windows in the neighbour to the south but this would be beyond the 21 metre privacy guidance in the SPD.

18. At the front of the house a new high level window serving a staircase would be 19 metres from front windows in the property opposite. An obscure glazing condition is recommended for this window.

19. The proposed vehicle hardstanding combined with the garage and driveway will provide off-street parking for at least two vehicles, in line with SPD guidance for a three-bedroom dwelling. A condition stating that the parking area has to be drained and surfaced before the rear extension can be occupied is recommended

20. To promote ecological enhancement and to comply with policy DEV26.5, a condition requiring the installation of two bird bricks or bat boxes is recommended.
21. Given the scale of the proposed development, a condition requiring the applicants of follow the council's Code of Practice for Construction and Demolition is recommended.
22. The case officer considers that the proposal complies with policies DEV1, DEV20, DEV26 and DEV29 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**

The development has been assessed as attracting an obligation to contribute towards the Community Infrastructure Levy.

## **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**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 03.11.2021 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**

Lower Ground Floor Proposed 713 P2 - received 29/10/21  
Ground Floor Proposed 713 P3 Rev A received 29/10/21

Roof Layout Plan 713 P9 - received 29/10/21  
Site and Location Plan 713 PI Rev A received 03/11/21  
Proposed Elevations 713 P6 Rev A received 17/12/21  
Existing and Proposed Sections 713 P8 Rev A received 17/12/21  
First Floor Proposed 713 P4 Rev A received 17/12/21

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: CAR PARKING PROVISION**

### PRE-OCCUPATION

The rear extension shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

## **4 CONDITION: CODE OF PRACTICE DURING CONSTRUCTION**

The development shall be carried out in accordance with the Plymouth City Council Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

## **5 CONDITION: ECOLOGICAL MITIGATION**

To promote biodiversity, the applicant shall provide for the installation of 2 no. enclosed bird bricks or bat boxes, at eaves level 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.

## **6 CONDITION: OBSCURE GLAZING**

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the staircase window in the front elevation of the proposed front gable extension, 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.

Reason:

In order to protect the privacy enjoyed by the occupiers of the opposite dwelling in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan(2014-2034) 2019 as permitted by article 4 paragraph 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

## **INFORMATIVES**

### **1 INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructuralevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

### **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, 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.