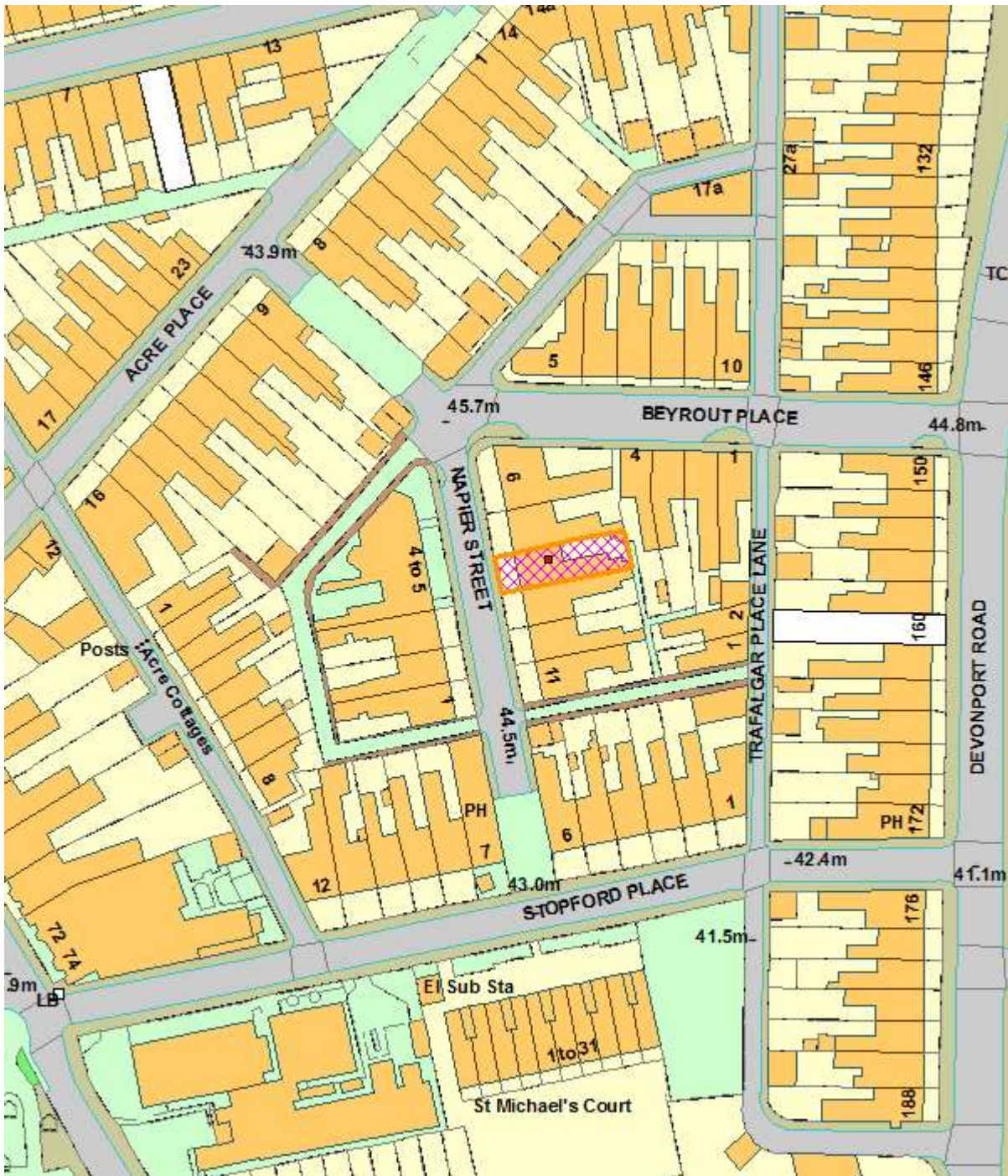


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	22/00823/FUL	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	11.05.2022	<b>Ward</b>	STOKE
<b>Site Address</b>	8 Napier Street Plymouth PL1 4QX		
<b>Proposal</b>	Single storey rear extension		
<b>Applicant</b>	Mr Charlie Irish		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>06.07.2022</b>	<b>Committee Date</b>	<b>21.07.2022</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Miss Emily Godwin		
<b>Recommendation</b>	Grant Conditionally		



**This application has been referred to the Planning Committee by Councillor Laing**

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

8 Napier Street is a terraced property located in the Stoke Conservation Area and the Stoke ward.

### **2. Proposal Description**

The proposal is for a single storey rear extension.

The extension will be approximately 7m deep and 3m wide. It will have a flat roof with an eaves height of 3m as well as a roof lantern, making the highest point of the roof 3.7m in height.

The works are proposed to use materials that are in-keeping with the existing property and the surrounding area.

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

None.

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

86/02569/FUL - Conversion of dwelling house from two to three flats (Withdrawn)

88/02352/EXUSE - Flat and Maisonette (application for established use certificate) (Prior Approval Refuse all others)

91/01624/FUL - Change of use and conversion of a flat and maisonette to residential home for seven mentally handicapped people (Refuse)

91/01625/LBC - Conversion of a flat and maisonette to residential home for seven mentally handicapped people (Conservation Area Consent) (Grant)

### **5. Consultation Responses**

Historic Environment - No concerns regarding the application.

### **6. Representations**

Three letters of representation were received and one councillor referral to planning committee.

Concerns raised in the submitted letters of representation include:

- Will alter the character of the building and its rear courtyard in relation to the conservation area
- Reduction in private open space for gardening and recreation

The following non-material planning considerations were also raised as concerns in submitted letters of representation:

- Issues related to the ventilation of the properties
- Details of how the extension will adjoin the neighbouring tenement and concerns of the construction of foundations
- Limits access for maintenance and repair of property
- Attraction of vermin
- Impact on property prices

Officers consider some of these issues to be related to the Party Wall Act 1996. Party Wall considerations are a separate process to the planning system, and for this reason the concerns raised are considered non-material and do not bear weight in the determination of the planning application. One letter of representation queried that the National Trust had not been consulted on the application. Due to the location of the application site within the Stoke Conservation Area, Historic Environment Officers were consulted on the application.

### **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), National Design Guidance, the scale and urgency of the climate change emergency, and Plymouth City Council's Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030. 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).

The policies relevant to this application are DEVI Protecting Health and Amenity, DEV 20 Place Shaping and the Quality of the Built Environment and DEV21 Development Affecting the Historic Environment.

## **8. Analysis**

This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material considerations as set out in Section 7.

### Principle of Development

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

### Negotiations Undertaken

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

### Visual Impact

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

The works are proposed to take place entirely to the rear of the property, and so would not be visible from the streetscene. The proposed extension would be sandwiched between two rear tenements, and contained within the boundary wall, and so is unlikely to be visible from any public vantage points. For this reason, officers do not consider the works will have significant visual impact.

Officers consider that works to the rear of properties along Napier Street, and in the surrounding area have taken place, and so the proposal is not thought to be out-of-keeping in relation to the local pattern of development.

Although guidance in the SPD discourages the use of flat roofs, officers consider that in this instance, the flat roof would be heavily screened and is highly unlikely to be visible given the nature of the site. Furthermore, guidance in the SPD guidance relaxes when flat roofs are located to the rear of a property. Therefore, officers find the proposed roof to be acceptable.

Officers merit the inclusion of high quality materials, where aluminium is proposed for the roof lantern and bi-folding door, this is considered by officers to be a suitable choice to reflect the existing property and surrounding area. Furthermore, officers find the use of render acceptable as it will match the finish of the existing property.

To this end, officers find the works to accord with DEV20 of the Joint Local Plan.

### Amenity

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

As aforementioned, the rear extension will be sandwiched between the rear tenements of 7 and 8 Napier Street, of which the rear tenement at 7 Napier Street is not served by any side elevation

windows. The two tenements are a minimum of 9m in depth, which exceeds that of the proposed extension. As such, officers do not consider that the proposed works would be in breach of neighbouring habitable room windows, and therefore would not lead to a harmful reduction in the daylight and outlook received by neighbouring properties.

Officers have assessed the proposed location of windows within the extension and find them to be acceptable. The proposed bi-fold doors will be located on the rear elevation of the extension. Officers noted that during a visit to the site that the rear garden backs onto the rear tenement of 4 Beyrout Place, and the works would be visible from its side elevation windows. Whilst the windows are located opposite the proposed extension, officers consider that the extension will be located at ground floor level, and so any views will be blocked by the rear boundary wall. Due to the only visible windows being at first floor level, officers consider that the bi-folding doors at 4 Beyrout Place would not create any vantage points that would provide opportunities for overlooking due to the angle created by the difference in window level. To this end, officers are of the view that there will be no harmful impact on the privacy of neighbouring properties.

Concerns raised in received letters of representation, has highlighted that the extension would lead to a reduction in the amount of outdoor amenity space. Officers have assessed the impact on occupant amenity cause by the extension and find this to be acceptable, and sufficient outdoor amenity space is retained. The surrounding area is characterised by many small outdoor courtyard areas, and so in the context of the local area is appropriately sized.

Officers therefore find the works to comply with DEVI of the JLP.

#### Impact on the Historic Environment

Due to the location of the property within the Stoke Conservation Area, Historic Environment Officers have been consulted on the application.

Overall, comments from Historic Environment did not raise any concerns with the proposed development on the Stoke Conservation Area. Accordingly officers do not consider that there will be any significant impact.

Concerns have been raised regarding the impact of the works on the conservation area; stating that the loss of the courtyard would be harmful to the character of the area and a loss of an intrinsic feature along Napier Street. Whilst officers note that the extension will occupy part of the courtyard, it is considered that the works do not lead to the demonstrable harm of the character of the conservation area. The rear of the courtyard will still be retained, and so officers find these works to be suitable within the context of the conservation area.

#### Other Considerations

One letter of representation raises concerns that the proposal will not attract and support wildlife. Officers are of the view that the current rear garden at 8 Napier Street is covered with stone gravel, and so does not provide any local biodiversity benefit. For this reason, officers consider that the extension will not give rise to issues relating to biodiversity.

### **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 are not sought 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**

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 11.05.2022 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 and Block Plan R22-08-01 - received 11/05/22

Proposed Ground Floor Plan Roof Plan and Proposed Rear Elevation R22-08-10 - received 11/05/22

Proposed Sections R22-08-11 - received 11/05/22

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: 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, the Council has worked in a positive and pro-active way and has granted planning permission.

### **2 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).

### **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:  
- Design and Access Statement (received 11 May 2022)