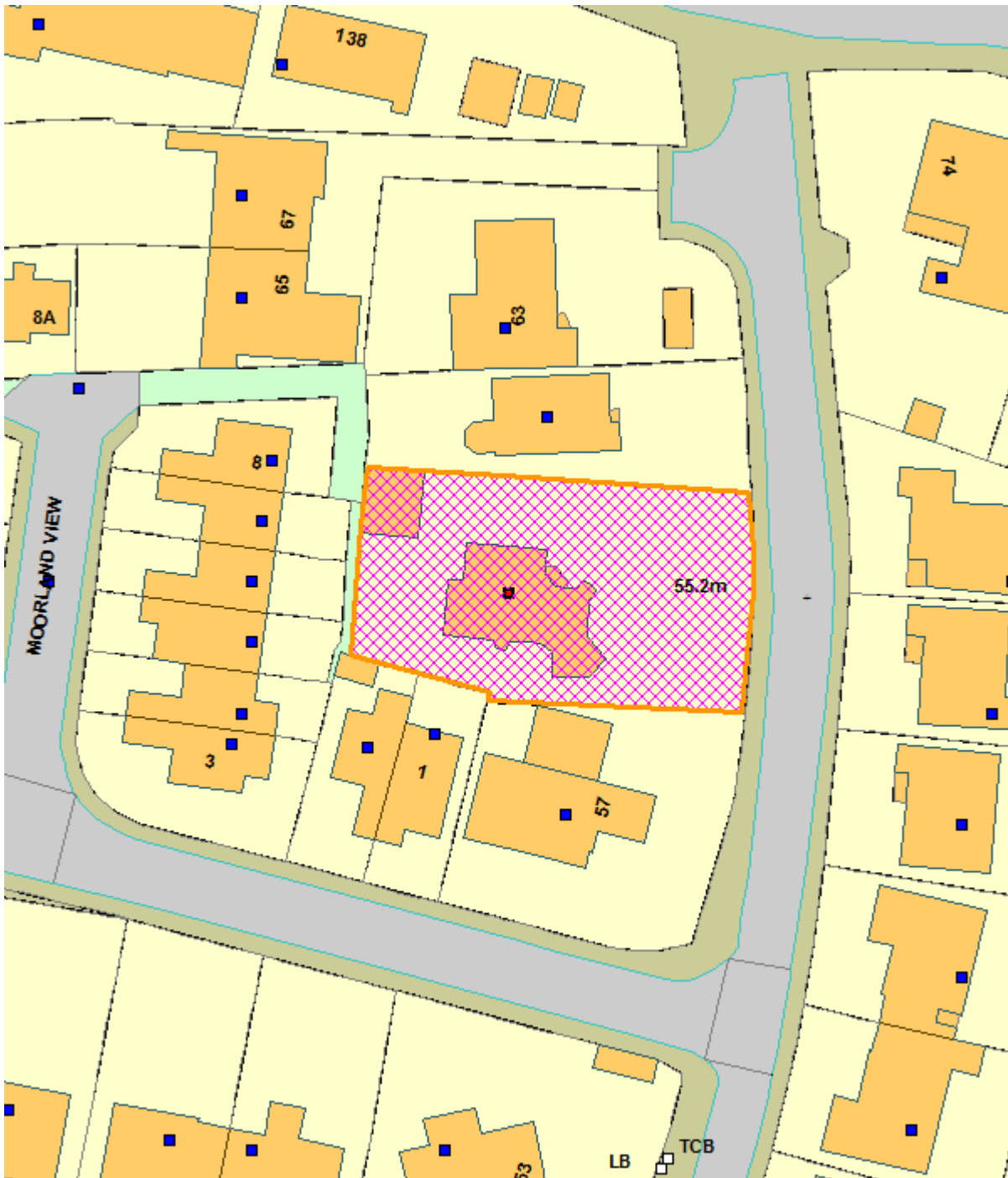


PLANNING APPLICATION OFFICERS REPORT



Application Number	23/00254/FUL	Item	01
Date Valid	10.03.2023	Ward	PLYMSTOCK DUNSTONE
Site Address	59 Reservoir Road Plymstock Plymouth PL9 8NL		
Proposal	Erection of single storey garden office		
Applicant	Mrs Sharon Gillett		
Application Type	Full Application		
Target Date	05.05.2023	Committee Date	13.04.2023
Extended Target Date	N/A		
Decision Category	PCC Employee		
Case Officer	Miss Emily Godwin		
Recommendation	Grant Conditionally		



This application comes before the Planning Committee as the applicant is an employee of Plymouth City Council

1. Description of Site

59 Reservoir Road is a detached dwellinghouse located in the Plymstock Dunstone Ward.

2. Proposal Description

The proposal is for the erection of a single storey garden office.

3. Pre-application Enquiry

No pre-application enquiry.

4. Relevant Planning History

01/01722/FUL - Erection of double private motor garage to rear, accessed from Reservoir Road (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), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. 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

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

8.1 Principle of Development

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

8.2 Negotiations Undertaken

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

8.3 Visual Impact

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

8.3.2 The proposed outbuilding would be located to the South of the property on an existing patio area. Due to its siting behind the existing conservatory, officers consider the outbuilding will be largely screened and therefore will not be visible from many vantage points along Reservoir Road. The proposed use of render with a pebbledash finish for the outbuilding would match the existing property, and reflect the materials used in the surrounding area. The use of UPVC windows and doors and a felt roof is considered to be acceptable.

8.3.3 Officers note the design of the outbuilding will include a slightly sloping roof. Whilst most outbuilding in the immediate surrounding area appear to make use of pitched roofs, officers have minimal concerns regarding the roof style of the outbuilding, given that it will be largely screened

from public view. Furthermore, officers consider that a similar proposal with a roof of a similar height and style could be constructed under permitted development.

8.3.4 To this end, officers consider the proposal accords with DEV20 of the JLP.

8.4 Amenity

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

8.4.2 Officers have assessed the siting of the outbuilding within the garden in relation to the impact on neighbours and consider it to be acceptable. It is noted that the outbuilding will be located approximately 0.35m from the boundary between 57 and 59 Reservoir Road, meaning it will be approximately 6.2m from the kitchen window and door of no.57. Whilst this falls below the required 12m distance between a habitable room window and a blank wall, the height of the outbuilding would not exceed that of the existing fence between the two properties, which would block views of the proposed outbuilding. As such, the proposal is not found to harm the outlook experienced by neighbours.

8.4.3 It is further noted that under permitted development, an outbuilding can be constructed within 2m of the boundary if it has a maximum height below 2.5m. The proposed outbuilding will be a maximum height of 2.4m, officers consider this is within the parameters of permitted development. Due to this fallback, officers have limited concerns that the proposal would lead to significant harm to neighbouring amenity compared to a scheme that could be constructed without planning permission.

8.4.4 To ensure the amenity of occupants of the property officers have recommended a condition to ensure that the use of the outbuilding remains ancillary to the enjoyment of the application property.

8.4.5 Officers have assessed the proposed locations of windows and do not consider that will create additional vantage points for overlooking, nor lead to a loss of privacy for neighbours.

8.4.6 Officers therefore raise no concerns regarding amenity and consider the proposal to be in accordance with DEVI of the JLP.

8.5 Other Considerations

Officers have considered the details provided in the submitted Climate Emergency Compliance Form and consider them to be acceptable given the scale and nature of the application. Whilst the outbuilding has no provision of solar PV panels, a similar scheme could be built without consent in which the Local Planning Authority would not be able to control the installation of PV panels.

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 policies DEV1 and DEV20 of the Joint Local Plan and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 10.03.2023 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

Plan as Proposed 10032023 received 10/03/23
Site Plan 10032023 received 10/03/23
Elevations as Proposed 10032023 received 10/03/23
Site Location Plan 06032023 received 06/03/23
Proposed Garden Office 06032023 received 06/03/23

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: ANCILLARY USE ONLY

The garden office hereby approved shall only be used for purposes ancillary or incidental to the enjoyment of 59 Reservoir Road, PL9 8NL; and shall at no time be served to function as an independent residential dwelling.

Reason:

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development nor create living conditions which are unsatisfactory in accordance with Policies DEVI, DEV10, DEV20 and DEV29 of the adopted Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework.

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 (NO 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 and has imposed planning conditions to enable the grant of planning permission.