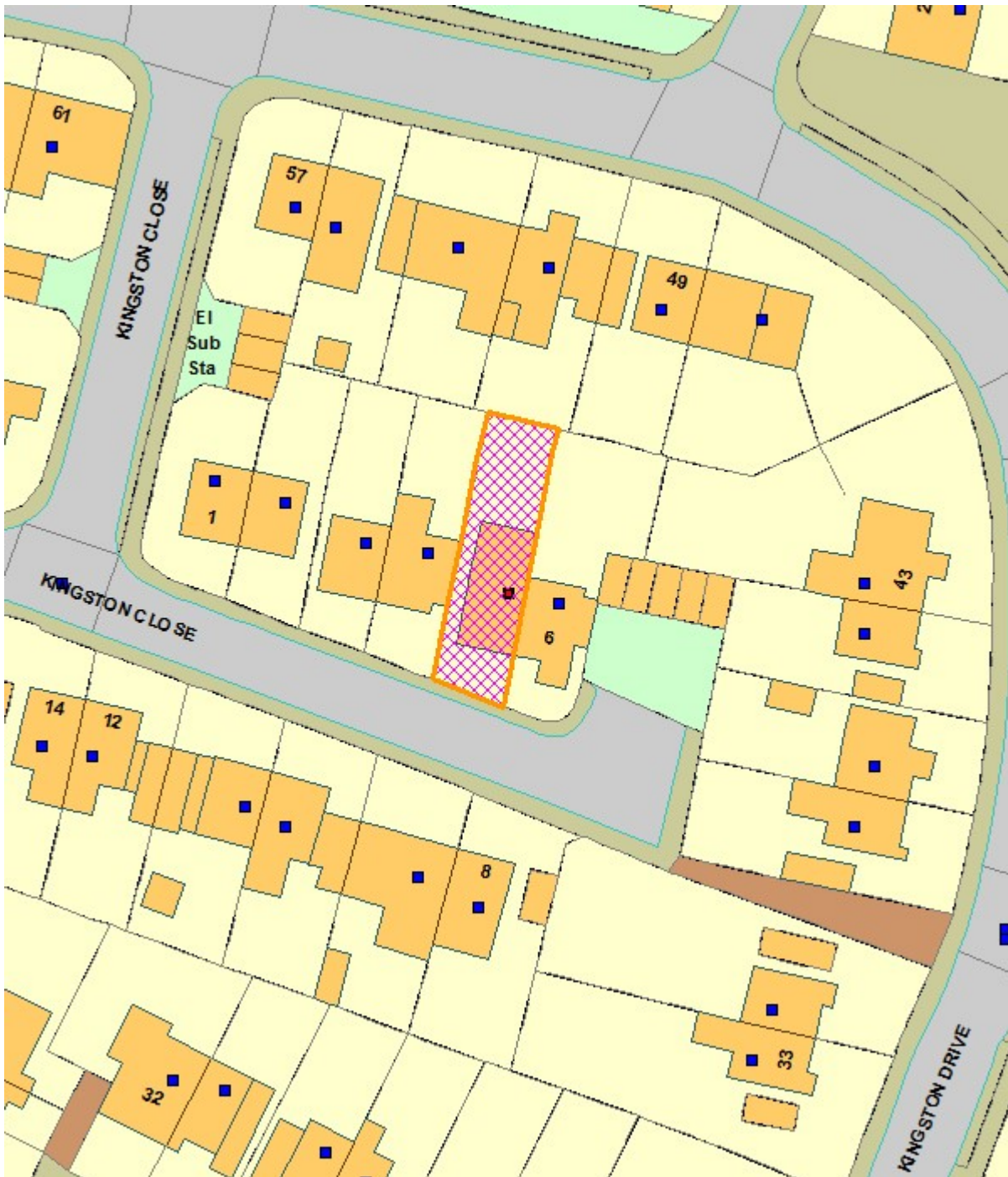


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	23/00134/FUL	<b>Item</b>	01
<b>Date Valid</b>	03.03.2023	<b>Ward</b>	PLYMPTON CHADDLEWOOD
<b>Site Address</b>	5 Kingston Close Plymouth PL7 2XA		
<b>Proposal</b>	Removal of conservatory and replacement single storey rear extension		
<b>Applicant</b>	Mr James Carder		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	28.04.2023	<b>Committee Date</b>	14.06.2023
<b>Extended Target Date</b>	23.06.2023		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Cody Beavan		
<b>Recommendation</b>	Grant Conditionally		



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

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

5 Kingston Close is a two-storey semi-detached dwelling located in the Plympton Chaddlewood ward of Plymouth.

The property features an existing rear conservatory with a pitched roof which measures 4.35m in depth, 5.2m in width and 3.6m in maximum height.

### **2. Proposal Description**

The proposal is for a single storey rear extension.

The extension is proposed to measure 4.35m in depth, 5.2m in width and 3.6m in maximum height and will feature a mono-pitch roof with 2x velux windows. The materials are proposed to match the existing property and are in-keeping with the surrounding area.

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

There was no pre-application enquiry.

### **4. Relevant planning history**

None.

### **5. Consultation responses**

None consulted.

### **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 Council's Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Climate Emergency Planning Statement 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. Key Issues/Material Considerations**

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.
2. The relevant policies are: DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment) of the Plymouth and SW Devon Joint Local Plan.
3. The primary planning considerations in this application are: principle of development, visual impact and impact on neighbouring amenity.

#### **Principle of Development**

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

#### **Negotiations Undertaken**

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

#### **Visual Impact**

6. Officers have considered the proposal's visual impact in line with policy DEV20 of the Joint Local pPan.

7. The proposal includes a single story rear extension which will measure 5.2m in width and 4.35m in depth. The extension will feature a mono-pitch roof and will be finished in block and render to match the existing materials. The proposed windows will be white uPVC along with the doors to match the existing features.

8. Due to the proposal being situated to the rear of the property, there is little to no impact on the existing street scene. Officers consider the single-storey rear extension to be subordinate to the dwelling and in-keeping with the character of the area and therefore complies with Policy DEV20 of the Joint Local Plan.

#### Amenity

9. Officers do not consider that the proposed works would have a detrimental impact on neighbouring amenity.

10. The works would not be particularly visible from neighbouring habitable windows and as such are not considered to have a harmful impact on the daylight or outlook experienced by neighbours. Officers have applied the 45 degree guidance as outlined in the SPD and have found none of the works to be in breach of this. The neighbouring property (no. 4) is set further back from the street than no.5, for this reason and noting that there is an existing conservatory, Officers do not consider the replacement extension to give rise to additional amenity impacts. It is notable that the proposed single storey extension features less windows than the existing conservatory. The other neighbouring property (no.6 semi-detached) also features a similar designed rear extension, therefore Officers do not consider the proposal to give rise to adverse amenity impacts.

11. The rear windows and double doors will benefit from views over the garden and are also not considered to cause any additional impacts regarding amenity of neighbouring properties. The 2x velux windows will provide natural lighting to the proposed areas which will have views of the sky and therefore are not considered to give rise to any overlooking or privacy impacts.

12. Overall, officers do not consider that the proposal will have a detrimental impact on neighbouring amenity, and therefore complies with Policy DEVI of the Plymouth and South West Devon Joint Local Plan and guidance within the SPD.

#### Climate Emergency Considerations

13. This Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued across Plymouth and South West Devon and identifies what new developments should do to meet the challenge of climate change. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan and its supplementary planning document, embraces new standards and proposes new requirements.

14. Officers have assessed the submitted Climate Emergency Compliance Form. Solar PV panels were considered but not recommended due to the north-facing mono-pitched roof. Officers accept this recommendation and acknowledge that given the site specific circumstances the details as submitted are acceptable in this instance.

### **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**

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 of the Joint Local Plan, the guidance contained within the Plymouth and SW Devon SPD, and the NPPF. The application is therefore recommended for approval.

## **14. Recommendation**

In respect of the application dated 03.03.2023 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****

Proposed New Extension Sheet 1 of 1 Rev 1 received 24/02/23

Proposed Single Storey Rear Extension including Existing Conservatory 21022023 Sheet 1 of 1 Rev 2 received 21/02/23

Site Plan TQRQM23037211016065 received 21/02/23

Location Plan TQRQM23037211501894 received 21/02/23

Existing Layout and Proposed Layout 21022023 Sheet 1 of 1 Rev 1 received 21/02/23

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.

## **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.

### **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>