

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	23/00775/FUL	<b>Item</b>	02
<b>Date Valid</b>	25.05.2023	<b>Ward</b>	HAM
<b>Site Address</b>	23 Honicknowle Lane Plymouth PL2 3QS		
<b>Proposal</b>	Single storey rear extension and rear raised deck		
<b>Applicant</b>	Mr & Mrs Ryles		
<b>Application Type</b>	Full Application		
<b>Target Date</b>		<b>Committee Date</b>	20.07.2023
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Luke Valentine		
<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**

23 Honicknowle Lane is a two-storey semi-detached dwelling located in the Ham ward of the city.

**2. Proposal Description**

Single storey rear extension and rear raised deck

**3. Pre-application Enquiry**

No pre application enquiry associated with this application.

**4. Relevant Planning History**

No relevant planning history.

## **5. Consultation Responses**

No consultations 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 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:

- o 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. This application turns upon policies: DEVI (Protecting health and amenity) and DEV20 (Place shaping and quality of the built environment) of the adopted Joint Local Plan.

3. The material planning considerations for this application are:

- Design
- Residential 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 unacceptable in-principle and officers raised concerns regarding overlooking of the neighbouring property. As a result, a 1.8 metre privacy screen was added to the decking.

### Visual Impact

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

7. The proposal of a single-storey, flat roofed rear extension and raised deck is considered to appropriately subordinate and visually in-keeping with the primary dwelling.

### Single-Storey Rear Extension

8. The proposal is set back from the adjoining property by approximately 0.5 metres, is 5.8 metres in width, 3.8 metres in depth and 2.7 metres in height from ground floor level to eaves, 3.1 metres

including roof light. The proposal has an under-build of approximately 1.1 metres, for a total height of 4.2 metres. Materials are specified in the application and propose painted render walls, a grey GRP or similar roof, and double glazed uPVC windows.

9. Under the SDP, paragraph 13.12, flat roofs are to be resisted when they are not an original feature of the house. Whilst there is flexibility when the extension is located at the rear of the dwelling, officers note that 23 Honicknowle Lane's corner plot location gives any rear development a greater degree of prominence on the adjacent street. However, as there is a pre-existing flat-roofed development at the rear of the property, officers have concluded that the proposal would not result in a significant change to the aesthetics of dwelling. In addition, officers note that the rear of the property is currently sufficiently screened by a pre-existing boundary treatment so as not to create an overly prominent presence on the adjoining highway.

10. Furthermore, single-storey storey extensions at the rear of the properties, both mono-pitched and flat roofed, are common place on Honicknowle lane and the proposal would not be out of character for the area.

#### **Raised Deck**

11. The proposal is approximately 5.3 metres in width, 1.4 metres in depth and at ground level with a railing measuring 1.1 metres in height. The decking would be constructed on a slope, with an approximately 1.1 meter gap between the decking and the ground for a total height of 2.2 metres when including the proposed railing and measuring from the lowest, relevant point of the slope. The proposal features a 1.8 metres in height privacy screen on its northern elevation. Materials are not specified in the application but have been clarified as composite.

12. Overall, officers conclude that from a design perspective, the plans do not conflict with policy DEV20 of the JLP.

#### **Amenity**

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

14. The proposal does breach the 45 degree guideline of the neighbouring dwelling's window, as outlined in the JLP SPD, paragraph 13.32. However, officers note that the affected window is a high window and, as a result, the proposal would not result in a significant loss of outlook. Furthermore, the proposal sits orientated in a south eastern direction and is unlikely to result in a loss of light to the neighbouring property. Officers therefore consider that the proposal does not result in an unacceptable loss of light or outlook to the neighbouring property.

15. Due to the sloped elevation of the property's garden, officers noted that the decking would provide an unacceptable degree of overlooking into the neighbouring property's garden. However, the agent has proposed a privacy screen on the northern elevation of the decking and officers consider this to be acceptable.

16. To this end, officers have assessed the proposal and consider that the works are in accordance with DEV1 of the JLP.

#### **Climate Emergency Considerations**

17. Officers have assessed the submitted Climate Emergency Compliance Form. Given the scale of the works under this household planning application, mitigation measures should be proportionate to the scale of the development proposed.

18. The flat roof design of the proposal along with its scale would not be sufficient to allow for solar panels.

19. Officers consider that by virtue of the scale of the works, 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**

N/A.

### **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 not required due to the nature and size of proposal.

### **12. Equalities and Diversities**

This planning application has therefore 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 new porch area accords with policy and national guidance (specifically JLP Policies DEVI and DEV20). The proposal is therefore recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 25.05.2023 it is recommended to Grant Conditionally.

### **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

#### **I      CONDITION: APPROVED PLANS**

Site Layout Plan (Proposed) 349\_005 Rev 2 received 28/06/23

GA Plans and Elevations (Proposed) 349\_006 Rev 4 received 28/06/23

Building Section (Proposed) 349\_007 Rev 2 received 28/06/23

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: OBSCURE GLAZING**

The 1.8 m obscure glazed privacy screen to the north elevation of the raised decking hereby approved and shown on approved drawing "349\_006 REV 4" received 28/06/2023, shall be provided in accordance with the approved details prior to the first use of the decking, and shall thereafter be retained in perpetuity. The glazed screen shall be constructed of glass with an obscurity rating of not less than level 5.

Reason:

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

## **INFORMATIVES**

### **1      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.

### **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.