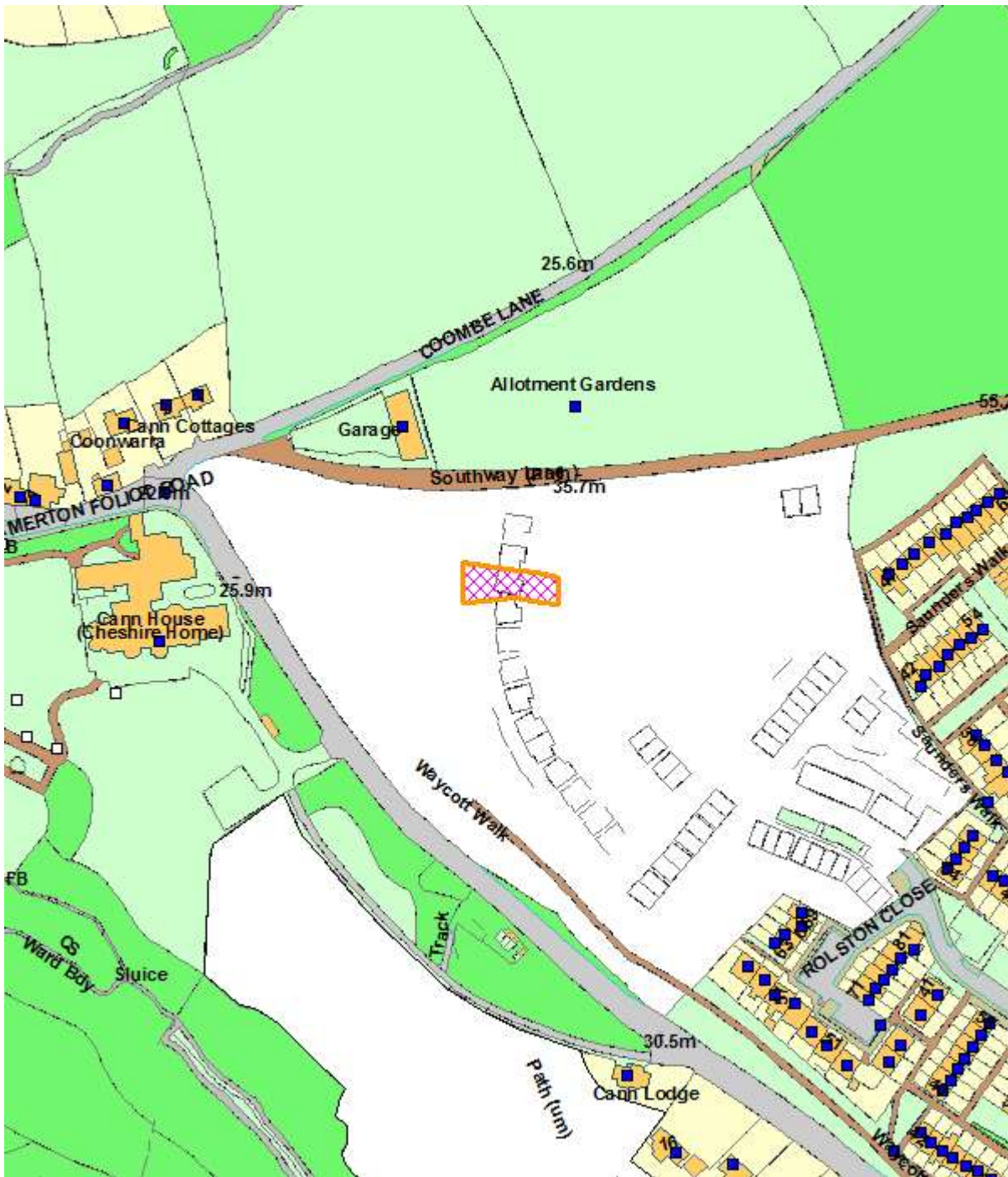


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	23/00955/FUL	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	30.06.2023	<b>Ward</b>	SOUTHWAY
<b>Site Address</b>	9 Guelder Way Plymouth PL6 6FR		
<b>Proposal</b>	Garage conversion (retrospective)		
<b>Applicant</b>	Mrs Michelle Ottley		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>25.08.2023</b>	<b>Committee Date</b>	<b>24.08.2023</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<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**

9 Guelder Way is a two-storey mid-terrace dwelling located in the Southway ward of the city.

**2. Proposal Description**

Garage conversion (retrospective)

**3. Pre-application Enquiry**

No pre-application enquiry associated with this application.

**4. Relevant Planning History**

No relevant planning history

## **5. Consultation Responses**

None requested.

## **6. Representations**

No letters of representation 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: DEV1 (Protecting health and amenity), DEV20 (Place shaping and quality of the built environment) and DEV29 (Specific provisions relating to transport) 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 acceptable in-principle and the assessment has been based on the original plans.

### Visual Impact

6. Officers have considered the visual impact of the development against the guidance in the SPD and consider it acceptable.
7. The retrospective proposal of a garage conversion is considered to be appropriately subordinate and visually in-keeping with the primary dwelling.
8. The proposal is for the alteration of a pre-existing garage into an enclosed study and utility room. It would not result in any material change to the boundaries of the dwelling house, however the original garage door is replaced by a window.
9. Materials are specified in the application and consist of a dark grey uPVC window to match the existing dwelling house and brick fill in to match the original material of the garage. Officers merit the decision to match the replacement window to the existing property in both design and material.
10. Officers have considered that removing the garage could result in the loss of a parking place. However, as per the SPD 13.69, garages normally serve as storage space rather than parking

and officers note that there is an established principal on Guelder Way for residential driveways rather than garages being utilised for parking. Officers therefore conclude that that this would not represent sufficient grounds for refusal.

11. Finally, officers are satisfied that the removal of the garage door and addition of a window in its place would not have a detrimental effect on the dwellinghouse's presence in the existing street scene.
12. Reference to a hardstanding has been made on the proposed plans, however, as this would be permissible under The Town and Country Planning (General Permitted Development) (England) Order 2015, it has not been considered as part of this report.
13. Overall, officers conclude that from a design perspective, the plans do not conflict with policy DEV20 or DEV29 of the JLP.

#### Amenity

14. Officers have considered the impact of the development on neighbouring amenity against the guidance in the SPD and consider it acceptable.
15. The proposal sits within the existing floorplan of the dwelling and would not breach the 45 degree guideline of any adjacent properties, nor would the proposal result in an unacceptable obstruction of light or outlook.
16. The development does propose the installation of a new window on the front elevation of the property. The new window would face undeveloped land and would therefore not result in an impact on the amenity of neighbouring properties.
17. The proposed works have therefore been considered against the development guidance in terms of natural light levels, privacy and outlook and concluded to be acceptable and in accordance with policy DEVI of the JLP.

#### Climate Emergency Considerations

18. 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.
19. The scale of the development would not be sufficient so as to make the addition of solar panels efficient or cost effective.
20. Furthermore, the applicant has advised they are currently in the process of selling the property and it would therefore not be to their benefit to install an EV charging point.
21. 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 proposal accords with policy and national guidance (specifically JLP Policies DEVI, DEV 20 and DEV29). The proposal is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 30.06.2023 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**

As Approved and Proposed Ground Floor Plan and Front Facing Elevation 2675 (PL)-01 received 28/06/23

Site Plan TQRQM23226133848657 received 14/08/23

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: 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 [including pre-application discussions] and has granted 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: HARDSTANDING**

Officers note that a hardstanding has been shown on the submitted plans. The hardstanding would be considered permitted development, provided that it meets the conditions outlined in Class F, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. Furthermore, this development is not referenced within the 'Description of Proposed Works'. It has therefore not been considered as part of this application.