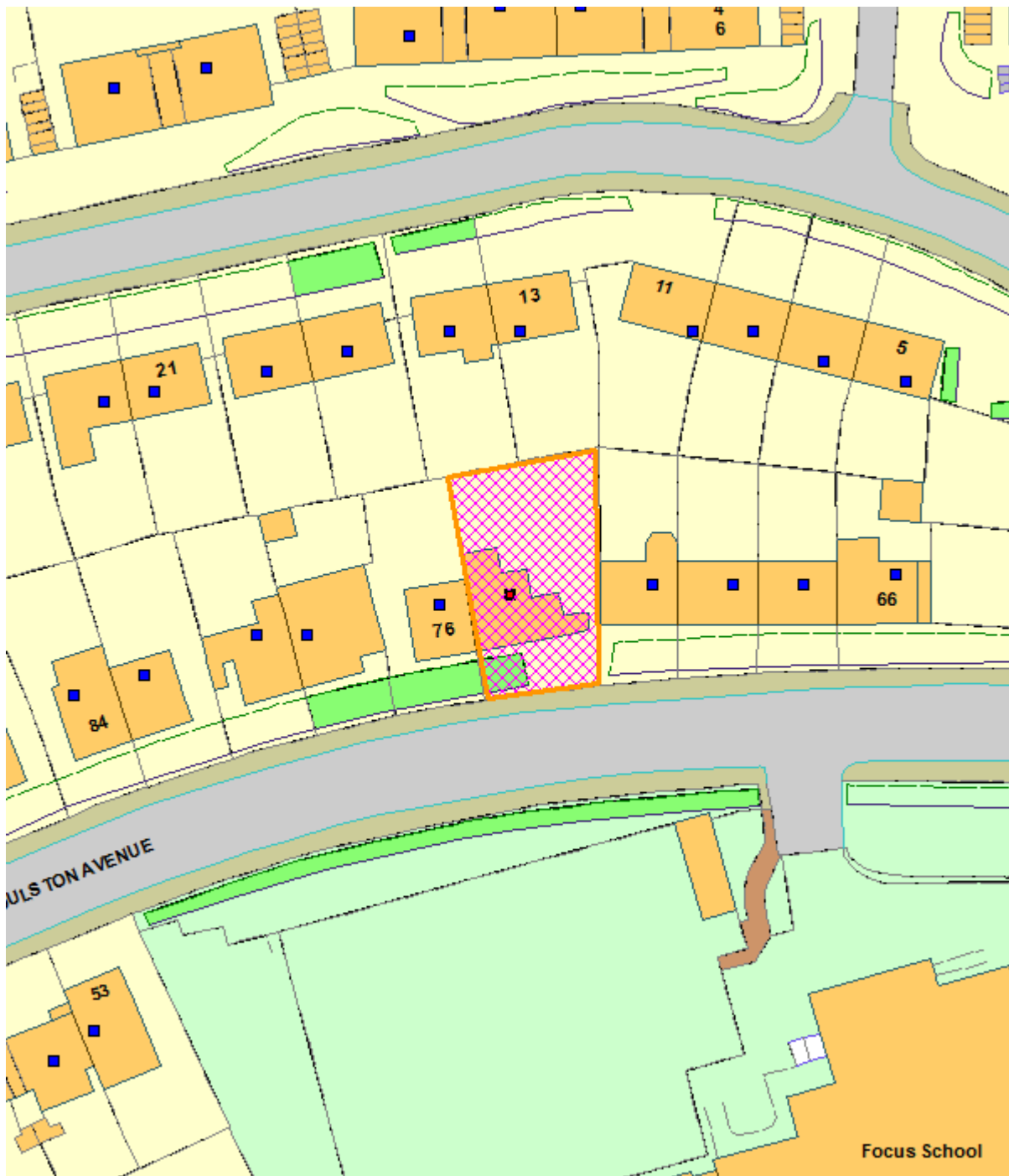


PLANNING APPLICATION OFFICERS REPORT



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|-----------------------------|--------------------------------------|-----------------------|------------|
| Application Number | 24/00091/FUL | Item | 01 |
| Date Valid | 26.01.2024 | Ward | ST BUDEAUX |
| Site Address | 74 Foulston Avenue Plymouth PL5 1HL | | |
| Proposal | Construction of new front porch area | | |
| Applicant | Mr Bharat Patel | | |
| Application Type | Full Application | | |
| Target Date | 22.03.2024 | Committee Date | 21.03.2024 |
| Extended Target Date | N/A | | |
| Decision Category | PCC Employee | | |
| Case Officer | Natasha Batorijs | | |
| Recommendation | Grant Conditionally | | |



This application is before Planning Committee because the applicant is a councillor.

1. Description of Site

74 Foulston Avenue is a two-storey semi-detached property located in the St Budeaux ward of Plymouth.

The plot slopes from to the North and as such the dwelling is set down below the level of the street.

2. Proposal Description

Single storey front porch.

The proposed porch will feature a flat roof and will measure approximately 3m in width, 2.55m in depth, and a height of 2.5m. Due to the topography, the eaves will measure approximately 0.8m

above the street level. The porch will extend up to the retaining wall, and the front door will be relocated to the western side of the new porch.

3. Pre-application Enquiry

No pre-application enquiry associated with this application.

4. Relevant Planning History

No relevant planning history.

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) and National Design Guidance. 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: DEVI (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. The Development Guidelines: Supplementary Planning Document states: Extensions that project forward of the existing house will generally be resisted. Where a street has a clear established building line, the only development that might be acceptable at the front is likely to be a small, sympathetically designed porch.

7. Officers note that Foulston Avenue has a uniform property line, and many of the properties benefit from a small canopy over the front door. Whilst there is not a strong precedent for front porches, officers note that there are other properties nearby with a small porch, most of which are likely to have been built under Permitted Development Rights. The development is significantly set down from street level and is only slightly bigger than what can be achieved through permitted development. Officers do not consider the proposed development to cause significant visual harm.

8. The front entrance to the property will be relocated to the western side of the porch, no longer facing the street. Although this is not something which can be seen at other properties in the street scene, officers do not believe it will cause significant visual harm to the street scene and it is something that can be done under permitted development rights.

9. The finishing materials (as specified on the plans) are proposed to be rendered blockwork to match existing, a fibreglass roof, and white PVC windows to match the existing. Officers find the proposed materials to be in keeping with the materials of the existing property.

10. It is important to note that a degree of planning balance has been applied to this extension which leans towards the maximum of what is typically permissible. However, for the reasons relating to the area character outlined above, officers consider the front porch to be sub-servient to the main dwelling and in-keeping with the front property line and overall compliant with Policy DEV20 of the JLP

Amenity

11. Officers have considered that the extension would not adversely impact surrounding neighbours in terms of natural light levels, privacy and outlook and therefore does not conflict with policy DEVI of the JLP.

9. Climate Emergency Considerations

This Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued across Plymouth and South West Devon and identifies exactly what all new development 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.

Officers have assessed the submitted Climate Emergency Compliance Form. There is little to no scope for achieving net gain on the development virtue of the scale of the works and site specific circumstances. The details as submitted are therefore acceptable in this instance.

10. 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.

11. Local Finance Considerations

None.

12. 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.

13. 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.

14. Conclusions and Reasons for Decision

The development does not pose any significant adverse impacts on the street scene or neighbouring amenity and is therefore compliant with policies DEV1 and DEV20 of the Joint Local Plan. Therefore, and having taken account of the NPPF and s38(6) of the Planning and Compulsory Purchase Act 2004, officers have 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 26.01.2024 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**

Block Plan 12122023 received 26/01/24

Site Location Plan 12122023 received 26/01/24

Existing and proposed part floor plan and elevations 012024 received 26/01/24

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).