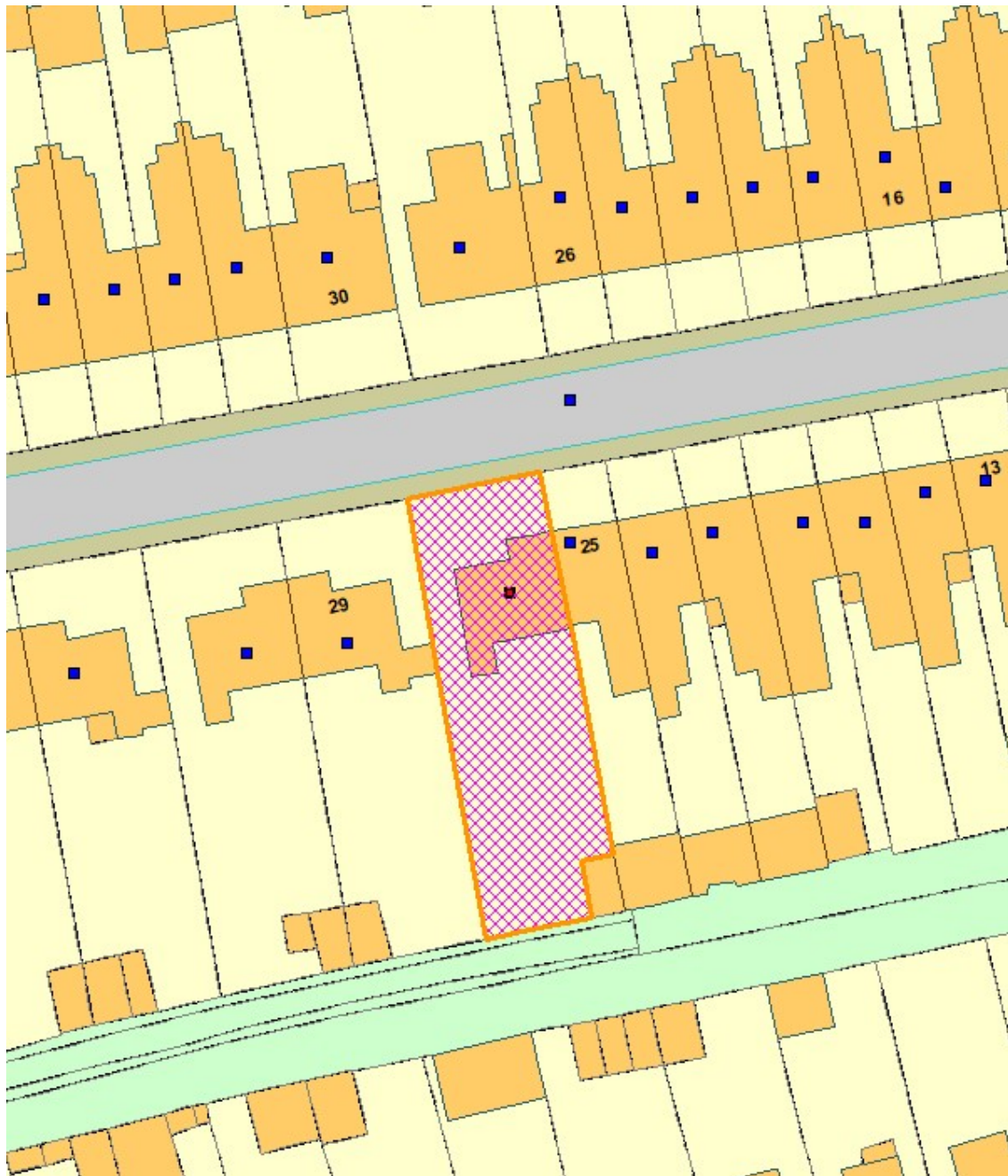


PLANNING APPLICATION OFFICERS REPORT



Application Number	24/01556/FUL	Item	01
Date Valid	13.12.2024	Ward	COMPTON
Site Address	27 Whiteford Road Plymouth PL3 5LU		
Proposal	Reduce the width of existing decking and build a patio in rear garden, with the construction of steps from the decking to patio and a new garage		
Applicant	Mr Andrew Pascoe		
Application Type	Full Application		
Target Date	07.02.2025	Committee Date	24.04.2025
Extended Target Date	25.04.2025		
Decision Category	PCC Employee		
Case Officer	Ethan Bell		
Recommendation	Grant Conditionally		



This Application has been brought before committee as the applicant is an employee of PCC

1. Description of Site

27 Whiteford Road is an end of terrace dwellinghouse in the Compton ward and Mannamead Conservation Area. The dwellinghouse was constructed in the early 20th century, well after the main period of Victorian construction of the linear residential street. The front and principal elevation faces north, making copious use of a limestone cladding. The southern aspect of the property is elevated above a garden enclosed by limestone walls with mature planting which is in keeping with the character of the Conservation Area.

2. Proposal Description

Reduce the width of existing decking and build a patio in rear garden, with the construction of steps from the decking to patio and a new garage.

The existing garage is approximately 2.4m height to the eaves with a ridge height of 3.9m, 3.4m in width and a depth of 5.5m. The proposed garage will rotate the apex of the garage roof 90 degrees to match the garage roof of the adjoining neighbour's garage (no.25 Whiteford Road). The development will re-use the existing artificial slate roof tiles where possible. The rebuilt garage will be approximately 5.5m wide, 5.4m deep, with an eaves height of 2.47m and a ridge height of 3.9m.

The raised decking and steps were granted planning permission with application 15/00040/FUL. The existing rear extension opens up onto the raised decking, which is approximately 1.7m above garden level. The steps down are proposed to change so that the patio at garden level can be accessed directly. A 1.8m high, 4m wide and 3m deep staircase will be placed in the central part of the raised decking, with the patio at the bottom wrapping around the stairs to encompass approximately 6m depth and 11m width of the current garden space. As a result of this, the raised decking will have a depth reduced by approximately 0.37m and in width by approximately 0.54m. With the garden level slightly sloped, the ground will be levelled to allow for the patio to be flat, with different levelling required on different areas (maximum rising in ground level by 0.35m to 0.45m at the highest point).

3. Pre-application Enquiry

24/01382/HHR - Pre-application to demolish existing garage, Rebuild larger garage, orientation rotated 90 degrees, width, height and apex to be similar, construct free-standing garden room, reduce (by approx 540mm) width of existing decking and construct patio.

(The garden room aspect of the development has been removed from the application)

The proposal was supported in principle, subject to appropriate mitigation including a bat and bird survey, as well as tree protection measures.

Relevant Planning History

15/00040/FUL - Single storey rear extension - Granted conditionally

Nothing else relevant.

5. Consultation Responses

Natural Infrastructure - No in principle objections, subject to conditions including the provision of a bat box, no material storage or machinery operations within the Root Protection Areas (RPAs) of onsite trees and a condition requiring the replacement of the retained trees in line with DEV28.

Historic Environment - No objections due to negligible harm to the Conservation Area.

Highway Authority - No objections

South West Water - No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

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:

- o The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020) and the Town and Country Planning (General Permitted Development) (England) Order 2015.

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. The application turns upon policies DEV1 (Protecting health and amenity), DEV20 (Place shaping and quality of the built environment), DEV21 (Development affecting the historic environment), DEV29 (Specific provisions relating to transport) and DEV32 (Delivering low carbon development) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

2. The material planning considerations for this planning application are:

- o Design
- o Residential amenity
- o Historical environment
- o Trees and biodiversity
- o Provision of parking
- o Climate emergency

Principle of Development

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

Negotiations Undertaken

4. The original plans submitted were considered acceptable and have thus been considered.

Visual Impact

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

6. Firstly, the proposed garage will be constructed with rendered blockwork walls to match the rear and side elevation of the main house, with an artificial slate roof that matches the existing garage roof. The applicant mentioned re-using the existing artificial tiles and replacing them on the new garage roof if possible. These materials are deemed appropriate for the nature of the garage, with it set to the rear of the property backing onto a service lane. Whilst natural slate roof tiles are usually required in Conservation Areas, the existing garage having artificial slate tiles and the frequency of the artificial tiles on the surrounding detached garage roofs mean in this instance, it is viewed as an appropriate material on balance.

7. Consequently, the visual impact from this development will be minimal, especially as garages along this service lane vary in materials and lack a uniform design. The garage will not be overbearing and will be in keeping with the surrounding buildings within the Mannemead Conservation Area. The

shared limestone boundary wall and limestone wall to the rear will be preserved with no alterations, however the existing interior limestone wall that forms the eastern side elevation of the garage will be unsuitable for the new garage. As such, the garage will be detached from this limestone wall. Officers have no concerns with the visual implications of this.

8. The reduction in the width and depth of the raised decking warrants no concerns from a visual standpoint, with the new external steps appearing well integrated into the existing structure that was granted consent under application 15/00040/FUL. These steps will potentially be visible by some of the elevated rear windows from the houses along Thorn Park (to the south of Whiteford Road), however the design of the steps is of no concern visually, with glass panels installed at 1.1m around the decking and steps to comply with building regulations BS6180. The patio, with it being minimally above garden level, will have a negligible visual impact on the surrounding area or on the house in general, with paving slabs seen as an appropriate material.

9. On balance, the development has been assessed to abide by DEV20 of the JLP with no adverse visual impacts identified.

Amenity

10. Officers have considered the impact on neighbouring amenity against the guidance in the SPD and consider it acceptable. The new garage, patio and other external alterations are not considered to give rise to any adverse impacts on neighbouring light, outlook or privacy.

11. With the patio at a height minimally above garden level, there are no potential amenity issues highlighted from this aspect of the development. The alterations to the decking with the new steps will be visible from the adjoining neighbour no.25's rear tenement windows as well as potentially some of the elevated rear windows along the dwellings south of Whiteford Road. With a substantial distance from the steps to the next property window, there is clearly no breach in any 45 degree rule and no dwelling will be impacted adversely regarding access to light and outlook. With the rear decking already existing, the addition of the new steps would not create any additional harm in terms of privacy, as trees flank the shared boundary wall with no.29. Additionally, no.25's garden is already slightly overlooked by the raised terrace area but no notable harm is assessed from the addition of the steps.

12. The new garage will be in a similar style and footprint to the adjoining neighbour in no.25. The eastern side elevation of the garage will be closest to the boundary wall shared with no.25, and be of a similar depth to their garage. No windows are proposed on the eastern side elevation, but 2 windows are proposed on the garage that will look out onto the garden of No.27. This garage will not adversely impact access to light, privacy or outlook for any of the neighbouring properties. At worst, the roof may be visible from no.25 and no.29's gardens as it will be higher than the shared boundary wall. However, this will not be harmful to visual amenity, with the garage maintaining its current height and materials.

13. Therefore, on balance, the proposal is considered acceptable and to be in accordance with policy DEV1 of the Joint Local Plan.

Historical Environment

14. A heritage statement was provided in support of the proposed development. Retaining the limestone wall was essential to the developments acceptability, and is supported by officers. The proposed garage and alterations in the garden have been appropriately designed using appropriate materials for the location of the development, with Historic Environment officers agreeing there will be negligible harm created to the Mannamead Conservation Area. As such, the proposal is deemed to comply with DEV21 of the JLP.

Trees and Biodiversity

15. The proposal is considered to comply with policies DEV26 and DEV28 of the JLP, preserving biodiversity and trees onsite. A bat and bird survey was conducted by an ecologist that confirmed no bats were present, meaning the garage can be safely demolished and rebuilt. It was recommended this demolition took place in winter months due to the gaps in the roof tiles that could be used as transitory summer roost for bats. In the interest of enhancing wildlife, a bat and bird box will be conditioned, ensuring an enclosed bat box within the site.

16. The applicant expressed that the development will include retaining three on site trees (One category B apple tree and two category C conifers, as highlighted on the Tree Plan uploaded on '04.04.2024'). To ensure compliance with DEV28, it will be conditioned that no materials will be stored on Root Protection Areas of the onsite trees, and trees that die within 5 years of the completion of the garage should be replaced. These conditions were recommended by the Natural Infrastructure team, and officers are supportive of such conditions to enhance and protect biodiversity.

Provision of parking

17. The highway authority have been consulted and raised no in principle objections as the garage increasing in width will help add to off-street parking to the rear of the property. With Whiteford Road an already congested street with no parking restrictions in place, this improved garage is seen as a net benefit with the potential to reduce parking demand on the road and provide future capacity to have an EV charging point. The 'proposed garage and site plan' document also refers to an electric operated roller garage door which will not protrude into the lane facing the garage wall. Upon assessment of the proposed garage and with the local highways authority consultation response, the development is deemed to comply with DEV29 of the JLP.

Climate Emergency Considerations

18. 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. The submitted details, including the potential future solar panel and potential for EV charging, are as such are considered acceptable for the scale of the development and the development abides by DEV32 of the JLP.

Other Considerations

19. Officers consider there are no other material planning considerations relevant to this planning application.

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 not required 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

The development does not pose any unacceptable adverse impacts on street scene, and neighbouring amenity and is therefore compliant with policies DEV1, DEV20, DEV21, DEV26, DEV28, DEV29 and DEV32 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 13.12.2024 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

Location Plan 12122024 received 12/12/24

Proposed Plans 12122024 received 12/12/24

Proposed South Elevation 13122024 received 13/12/24

Existing and Proposed Garage Elevations 17012025 received 17/01/25

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: TREE REPLACEMENT

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and are subsequently properly maintained, if necessary by replacement.

4 CONDITION: ECOLOGICAL ENHANCEMENT MEASURES

PRE-FIRST USE

Prior to the first use of the development hereby approved, 1. no. enclosed bat and bird box will be constructed within the fabric of the proposed garage. Evidence of this box within the building is to be submitted and approved in writing to the Local Planning Authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT12 & DEV26 and paragraphs 187, 192, 193 in the NPPF (2024).

5 CONDITION: STORAGE OF MATERIALS AND CONSTRUCTION MACHINES

During construction work, no building materials or construction machinery shall be stored or operated on within the Root Protection Areas (RPAs) of retained trees.

Reason:

To ensure that trees retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policy DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) 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.

3 INFORMATIVE: BATS AND BIRDS

Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the trees should be undertaken prior to the commencement of works to determine if any bats or birds reside in the trees. No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust 0845 1300 228.

4 INFORMATIVE: NESTING SEASON

It is an offence under the Wildlife and Countryside Act 1981 to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting. The months to avoid are between March and August.

5 INFORMATIVE: BIODIVERSITY NET GAIN

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, Householder applications are exempt from Biodiversity Net Gain requirements and therefore this application is not subject to the mandatory Biodiversity Gain condition.

6 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>