

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	25/00274/FUL	<b>Item</b>	03
<b>Date Valid</b>	17.02.2025	<b>Ward</b>	DRAKE
<b>Site Address</b>	11 Derry Avenue Plymouth		
<b>Proposal</b>	Single storey rear extension to HMO to create additional bedroom		
<b>Applicant</b>	Mr Hicks		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	14.04.2025	<b>Committee Date</b>	24.04.2025
<b>Extended Target Date</b>	25.04.2025		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Ethan Bell		
<b>Recommendation</b>	Grant Conditionally		



**This Application has been brought before committee as it has been referred by Councillor Ricketts**

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

11 Derry Avenue is a terraced dwellinghouse in the Drake ward. The dwellinghouse has been an established 5-bedroom HMO for at least the last 15 years, as demonstrated on the previous consent 24/01465/EXUS that established the existing use of the property as a lawful HMO (Use Class C4)

### **2. Proposal Description**

The proposal seeks to erect a single storey rear extension to create an additional bedroom and enlarged indoor amenity spaces. The result of this additional bedroom will make the dwelling a 6 bedroom HMO, still falling under the C4 Use Class.

The extension will be approximately 8m deep, 4m wide, and 3.5m high to the flat roof. As a result of the development, the kitchen will increase from approximately 2.2m to 3.4m in length, with the

width maintained. A new en-suite bedroom, around 4m in length and 3.5m in width, will be created which will back out onto the service lane. This outdoor space to the rear of the property is likely utilised as a hardstand for parking currently considering there is no rear boundary wall, meaning a lack of privacy if the space was used for communal space. The retained outdoor amenity space remaining will be by a 1.4m wide by 12.1m deep paved area to the north of the extension. This space will likely provide space for bin storage during non-collection days.

### **3. Pre-application Enquiry**

No enquiry.

### **4. Relevant Planning History**

24/01465/EXUS - Establish the existing use as a 5-bed HMO (Class C4) - LDC issued

### **5. Consultation Responses**

South West Water - 'Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.'

Community Connections - Made general comments for consideration, and stated the need for adequate insulation, and heating to be fitted to reduce the risk of excess cold and Damp & Mould to the room and the adjoining rooms to the main part of the property.

Public Protection - No objections, subject to a condition on the hours of construction

Highway Authority - No objection, subject to a condition for bicycle storage.

Parking Division - The new development will be excluded from the issue of parking permits, including business permits and visitor tickets.

Lead Local Flood Authority - No objection

Low Carbon Team - 'Given the limited nature of these works we acknowledge that the proposals are very minor and to request additional climate mitigation would be disproportionate in this case.'

### **6. Representations**

One letter of representation by Councillor Ricketts stating; "This is more back inappropriate outside space development that needs to be refused. We have an article 4 direction in place because of overcrowding in Drake Ward and surrounds."

### **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)

## **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), DEV11 (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area), DEV20 (Place shaping and quality of the built 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 Policy Framework.

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

- o Design
- o Neighbour and occupant amenity
- o Transport
- 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.

### Article 4 and HMO use

5. There is no change of use from this development with the dwelling remaining a C4 dwellinghouse (5 to 6 bed), making the Article 4 Direction irrelevant in this case. The article 4 direction was implemented to prevent the lawful change in use class from a C3 dwellinghouse to a C4 dwellinghouse within specific areas of the city. As this property is an established 5-bed HMO (covered by a lawful development certificate distributed for application 24/01465/EXUS) which will change to a 6-bed HMO, no change of use will occur from the development with the dwelling remaining a C4 dwellinghouse.

6. As such, the proposal is consistent with DEV11 of the JLP and the extension will be the topic to consider in this application.

### Visual Impact

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

8. Firstly, the proposed extension will have rendered walls, with uPVC double glazed windows and doors to match the existing dwellinghouse, with a flat EPDM/GRP roof. These materials are deemed appropriate for the nature of the site and will have a minimal impact on the surrounding area visually due to the position at the rear of the property. Flat roofed extensions are usually resisted and seen as contrary to the SPD guidance, mainly through paragraph 13.12, which states "Flat roofs will be discouraged where they are not a feature of the original house although they can sometimes be acceptable at the rear of properties, particularly where they are not prominent and help to reduce the height of an extension". This is judged to be the case with 11 Derry Avenue, with the extension in a fairly hidden location to the rear of the dwellinghouse. The visual impact as such is assessed to be minimally harmful to the surrounding area, with many other houses backing onto the service lane (eg. No.2, no.8, no.12, no.30 and no.32 Welbeck Avenue) utilising their rear hardstand/garden area for similar extensions.

9. Therefore, on balance, the development has been assessed to abide by DEV20 of the JLP with no significantly detrimental visual impacts identified that would warrant refusal.

#### Neighbouring and Occupant Amenity

10. Officers have considered the impact on neighbouring amenity against the guidance in the SPD and consider it acceptable. The single storey rear extension is not considered to give rise to any adverse impacts on neighbouring light, outlook or privacy.

11. The single storey rear extension has been assessed against DEV1 of the JLP and it is highlighted that whilst the development is not strictly consistent with the 45 degree guidance, the flat roof helps minimise the prominence of the extension in comparison to the adjoined no.9 which is deemed to be the most impacted dwellinghouse by the development. In addition, with the extension to the north of no.9's garden, officers recognise that the development will not adversely contribute to a loss of daylight for the rear doors of no.9. In addition no public comments have been received from the neighbouring properties.

12. Derry Avenue and parallel streets are naturally congested rows of terraced houses with limited privacy, and in this case, the flat roofed extension is being positioned in a location that benefits from little to no privacy, with no boundary wall at the rear opening up onto a back alley/service lane utilised for bin collection and rear parking. However, following the development, this will increase interior space and communal facilities for the other residents in the HMO, and utilise the likely wasted rear garden which has little privacy. Even after the development, some garden space will be retained for bin storage as well as bicycle storage. Whilst the proposed windows do not pose the greatest view backing up onto the service lane, they will help provide the room with sufficient natural light. With its elevation around 1.85m above the service lane level, this will mean passing by vehicles and individuals will have a low potential of being able to see through the window, helping protect privacy and general amenity.

13. Paragraph 4.158 of the SPD highlights that extensions to existing HMOs will need to demonstrate that occupants have good access to public green space to mitigate for limited amenity space at the application site, where outdoor amenity space is restricted. 11 Derry Avenue is in a part of the city supported by strong public transport connections, being a 5 minute walk away from the Plymouth railway station and 2 minute walkway from a bus stop providing easy access to the city centre and the northern corridor of the city. The location is in a sustainable location close to the university, the city centre, the station and communal spaces. Whilst the proposal results in the loss of outdoor amenity space of around 11.87m<sup>2</sup>, the quality of amenity space is not the highest with it being an exposed hardstand, and good quality amenity space is available within walking distance. For example, Houndiscombe Park is a 4 minute walk away, Drakes Place and reservoir is a 6 minute walk away, Central Park is roughly a 10 min walk and so is Addison Park. So whilst the development will result in roughly 18.87m<sup>2</sup> of amenity space, officers believe this is not sufficient grounds for refusal due to the current quality of the amenity space and the location of the dwelling in a sustainable location.

14. Furthermore, there is not considered to be any rise in noise and disturbance from one additional bedroom, particularly due to the area being a popular location for student lettings. The new bedroom is designed with an en-suite, thus satisfying the requirements for an additional bathroom in a 6-8 person household. The proposed bedroom will be approximately 11.7m<sup>2</sup> with a 2.47m<sup>2</sup> en-suite bathroom. As such, under the licensed HMO standards for Plymouth and national space standards, the room is a sufficient size to be occupied by 2 people aged over 10 years old with a shared lounge and kitchen, yet it is recommended the additional room should be occupied by a single household. With an increased kitchen size and no additional demand for bathrooms or WC's due to the en-suite, officers are satisfied with the internal amenity space following the development.

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

#### Transport

16. The local highways team were consulted and provided no in principle objections to the proposal, subject to the provision of bicycle storage. They noted whilst in most cases the loss of an off street parking space wouldn't be supported, with the Controlled Parking Zone that is enforced 10 hours a day, 6 days a week along with the range of sustainable transport available from the site, in this case, the loss of the one parking space wouldn't be sufficient grounds for refusal. The bicycle storage will be conditioned to the application to promote cycling with the loss of the rear amenity space which was likely utilised for parking a vehicle. The applicant should also be aware of the parking permit exclusion created as a result of the development, due to the proposed development being within a controlled permit parking zone. As such, the proposal is consistent with DEV29 of the JLP.

#### Climate Emergency Considerations

17. 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.

18. Officers have assessed the submitted Climate Emergency Compliance Form. The submitted details, mainly just a new efficient heating system and the use of locally sourced materials, are considered acceptable for the scale of the development. Whilst no further climate mitigation is regrettable, the size of the extension does not warrant any significant mitigation and therefore the development abides by DEV32 of the JLP. The development is also exempt from Biodiversity Net Gain as the area impacted is a concreted area, and is not considered to be 25 square metres of on-site habitat.

#### 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, DEV10, DEV11, DEV20, 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 17.02.2025 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 Plans and Elevations J683 - 15-01 received 17/02/25

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: CYCLE PROVISION**

The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 3 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## **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).

### **3 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.

### **4 INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

### **5 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>

### **6 INFORMATIVE: BIODIVERSITY NET GAIN**

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, applications are exempt from Biodiversity Net Gain requirements where a development impacts less than 25 square metres of on-site habitat and therefore this application is not subject to the mandatory Biodiversity Gain condition.