

ITEM: 05

Application Number: 09/00921/FUL

Applicant: Mr & Mrs G P & S A Johns

Description of Application: Develop part of garden by erection of detached dwellinghouse (removal of existing garage)

Type of Application: Full Application

Site Address: 29 AYCLIFFE GARDENS PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 20/07/2009

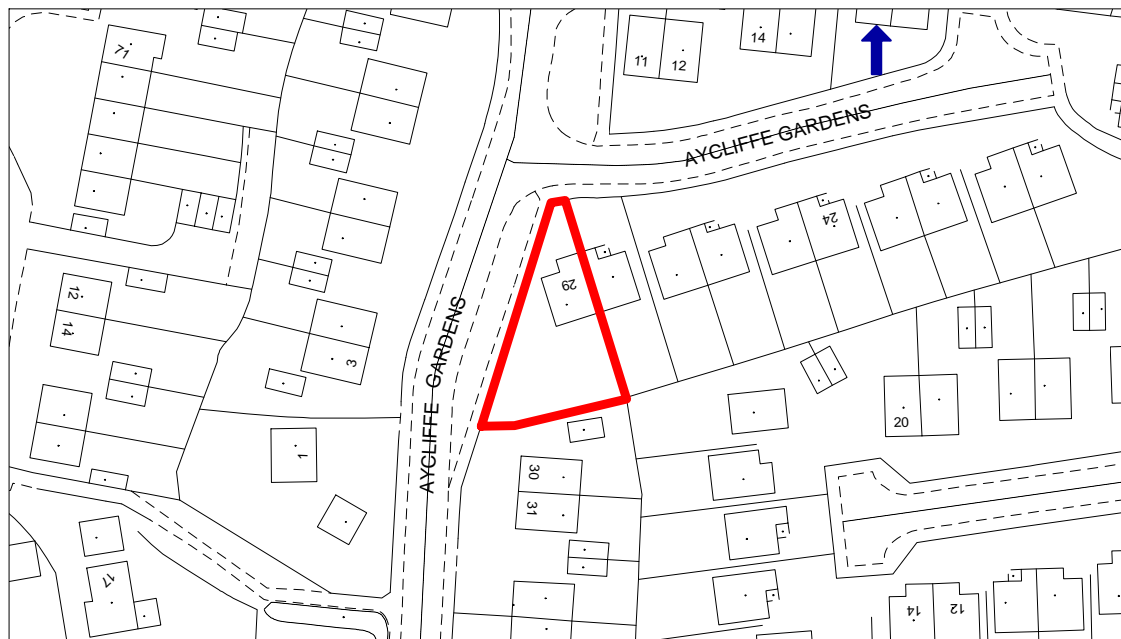
8/13 Week Date: **14/09/2009**

Decision Category: Member/PCC Employee

Case Officer : Jon Fox

Recommendation: Refuse

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OFFICERS REPORT

Site Description

The site comprises the rear part of the curtilage of 29 Aycliffe Gardens, which is situated on the eastern side of the road just as it turns eastwards towards the turning area at its end. The existing house, which faces north, is brick-built and semi-detached. The rear part of the site comprises a garden area, garage, dog kennels, shed and an area in front of the garage that is used for the parking of mini-buses (see below) that enter the site from the access near the north western corner of the existing dwelling. The rear part of the site faces the side gable wall of 30 Aycliffe Gardens. The site is bounded to the east by the garden of 28 Aycliffe Gardens and to the south east by the corner of the plot at 19 Greenlees Drive. The semi-detached houses to the north, west and south of the site have front, flat-roofed dormer windows, whereas No.29 itself, and those on that side of the street do not. All the houses in the street have sloping, pitched roofs that face the road. Due to its corner location No.29 also has a side gable wall that faces Aycliffe Gardens.

Proposal Description

Develop part of garden by erection of detached, two-bedroomed dwellinghouse (removal of existing garage). The proposed building is three storeys high including rooms in the roof space and associated front and rear dormer windows. The basement contains a store and surface water attenuation storage tank. There is parking space for two vehicles at the front of the building, facing Aycliffe Gardens.

A contamination report has been submitted with the application.

Relevant Planning History

09/00158 - Develop part of garden by erection of detached dwellinghouse with integral private motor garage (removal of existing garage). It is understood that the proposed dwelling was intended for a relative of the applicant's and consequently the dwelling had no independent amenity space of its own and instead would have shared the garden of No.29. This appeared to explain the position of the integral garage, which could only have been accessed from the existing drive serving No.29.

This application was refused because the plot was considered to be too small and would have resulted in a cramped form of development. The scale, form and design of the building was considered harmful to the street scene and out of character in the area and the dwelling would also have been overbearing and dominant when viewed from, as well as resulting in a loss of privacy for, neighbouring properties. Surface water would be disposed of to the mains sewer in an area where there are problems of flooding downstream, and it was considered appropriate to guard against any potentially inappropriate use of the proposed integral garage

89/00440/FUL - Erection of private motor garage – Permitted.

The site of 29 Aycliffe Gardens also has planning permission for the operation of a mini-bus hire business, which was granted following an appeal against a planning enforcement notice against this use.

Consultation Responses

Highway Authority

Have no objections subject to a condition regarding car parking provision and an informative note regarding the provision of dropped kerbs.

Public Protection Service

No response received.

Representations

Four letters were received that make the following objections/observations:

1. The drawings are inaccurate.
2. The new vehicle and pedestrian access will take up more of the grassed open area adjacent to the road (should the existing access across the grassed area be reinstated?).
3. Concern regarding the 'brown water tank' in the basement – is this for sewerage? Why is it required? Will sewerage leak into the ground/area if flooding occurs?
4. A tree was removed prior to the previous application (that would have blocked the proposed entrance). Was a full tree survey provided? Should another tree be reinstated?
5. The alterations carried out to other houses in the area do not make this particular limited space suitable for another dwelling.
6. Loss of light to No.28.
7. Property could be used to house dog kennels. Any rebuilt dog kennels could be closer to the boundary.
8. Any underground spring that may exist may have its course diverted and cause problems.
9. The proposed building is a prominent structure that is not in keeping with the estate.
10. Overlooking of 4 Aycliffe Gardens.
11. The development would overload and cramp the site.
12. Concern regarding the use of the rest of the basement area.
13. Discrepancies with the application form.
14. The form and drawings do not adequately show how sewage would be disposed of.
15. How is surface water to be disposed of?
16. Planning permission for the mini-bus operation relates to the whole site. If the current occupants moved then the planning permission for the mini-bus operation would cease. (The objector appears to be saying that sub-division of the site would potentially render the planning permission invalid.)
17. The building would be overbearing.
18. The development would lead to additional on-street car parking causing congestion and inconvenience.

Analysis

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.

This application turns on policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issue in this case is whether the proposals overcome previous reasons for refusal without creating additional reasons for resisting the development.

With regard to reason 1 (plot too small/cramped form of development), the proposed building is now angled away from No.30 and there is a definite garden area proposed for the new dwelling with the remaining area devoted to No.29. However, the dwelling is now angled towards the road and will appear more prominent and out of character given its detached design and relatively small scale compared to its neighbours. Therefore, despite its smaller size the scale of the building on this small plot is still considered to lead to a cramped form of development that has resulted in an unwelcome movement of the building beyond the front wall of No.30. It is noted that the width of the building on the site plan is 4.4 metres, whereas the width of the building on the floor plans is 5.5 metres. Assuming the floor plans are correct there would be an extra 1.1 metres of front elevation that would potentially result in more of the building projecting beyond the face of No.30. For these reasons it is considered that reason 1 is partly overcome (more amenity space is now available) but that other problems occur as a result, i.e. forward projection of the dwelling.

With regard to reason 2 (harmful to street scene), the design has been altered and now includes a pitched roof and dormer windows that are in keeping with the neighbouring property at No.30. Despite being detached, and of a smaller scale, the proposed design is considered to be acceptable visually in the street scene. It is considered therefore that reason 2 is overcome.

With regard to reason 3 (overbearing and dominant) the proposed dwelling is now angled in such a way that the side of the building would be less dominant when viewed from Nos. 28 and 29 Aycliffe Gardens. However, despite changes to the design of the building, which now includes gable ends and a front-to-back pitched roof, and its relatively small scale, compared to the high gable end at No.30, the proposed building would still appear overbearing and dominant when viewed from the garden of No.29. Added to this is the discrepancy with the width of the building on the site plan, referred to above, and consequently the north wall of the building could be 1.1 metres nearer to No.29, which would make it even more overbearing and dominant. For these reasons it is considered that reason 3 is not overcome.

With regard to reason 4 (loss of privacy), the proposed rear first floor windows serve a bathroom and landing. As such they could be obscure glazed. There are no first floor side windows. The proposed front dormer windows are considered to be sufficiently distant from properties across the road such that they will not unreasonably reduce privacy. In these circumstances it is considered that this reason is overcome.

With regard to reason 5 (flooding), the proposals now include soakaways for the disposal of surface water and a 'brown water' tank, which is for the retention of surface water (not sewerage). It is not clear how the tank would work, technically, although it is intended to provide water for household use including watering etc. Despite the lack of technical detail the provision of such facilities could be conditioned and on balance it is considered that the potential for adding to downstream flooding could be averted. It is therefore considered that this reason is overcome.

With regard to reason 6 (use of garage), the proposals no longer include a side garage and therefore this reason is overcome.

Equalities & Diversities issues

There are no equality and diversity issues in respect of this application.

Section 106 Obligations

There is no Section 106 requirement in respect of this application.

Conclusions

The revised proposals overcome many of the previous objections, but the size of the plot and the proximity of the building to No.29 still render the proposals contrary to policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007. It is therefore recommended that planning permission be refused.

Recommendation

In respect of the application dated **20/07/2009** and the submitted drawings, **AG28 001 (1:2500) Location Plan, AG28 00 (1:200) Site Plan, AG28 002A, AG28 003A, AG28 003a, AG28 004A, AG28 005A, AG28 006A, AG28 007A, and accompanying design and access statement** , it is recommended to:
Refuse

Reasons

PLOT TOO SMALL/DEVELOPMENT OUT OF CHARACTER

(1) The size of the plot for the house would be constrained by the mini-bus parking area and existing garden to No.29 and consequently the dwelling is angled towards the road and will appear more prominent and out of character given its detached design and relatively small scale compared to its neighbours. The Local Planning Authority therefore considers that the scale of the building on this small site would appear out of character in the area.

The proposals are therefore contrary to policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

OVERBEARING AND DOMINANT

(2) By virtue of its height and proximity to 29 Aycliffe Gardens the Local Planning Authority considers that it would appear overbearing and dominant when viewed from the rear of that property. The proposals are therefore contrary to policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, were taken into account in determining this application:

INFORMATIVE - WIDTH OF THE PROPOSED BUILDING

(1) The applicant is advised that the width of the building on the site plan is 4.4 metres, whereas the width of the building on the floor plans is 5.5 metres.

CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS02 - Design
CS15 - Housing Provision