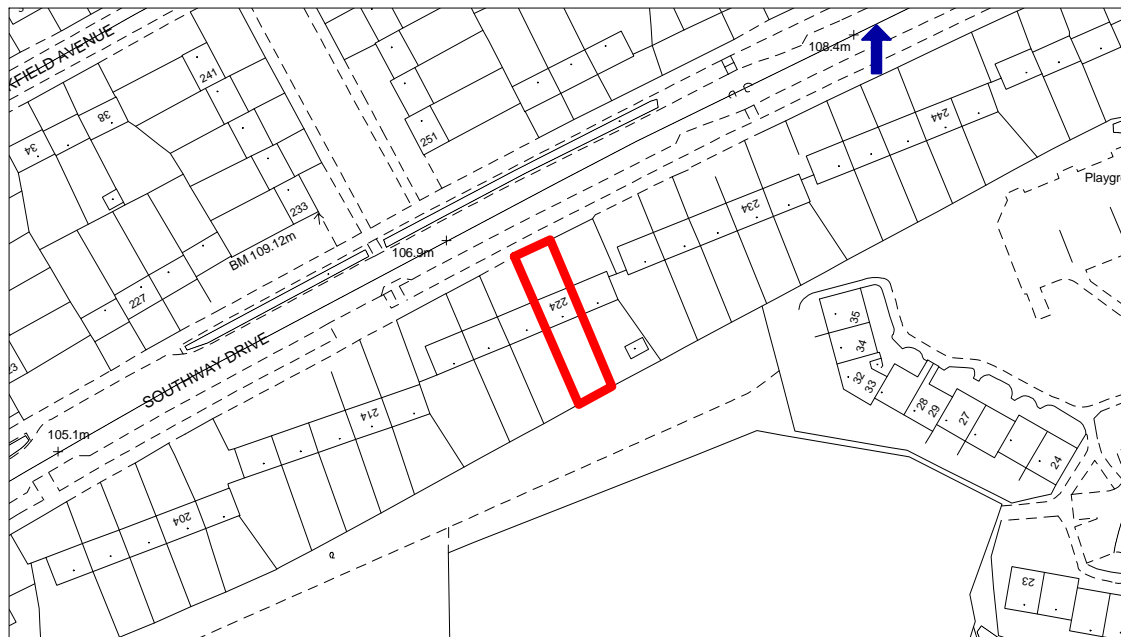


ITEM: 01

Application Number: 09/01407/FUL
Applicant: Mr Andrew Morris
Description of Application: Single-storey front extension
Type of Application: Full Application
Site Address: 224 SOUTHWAY DRIVE PLYMOUTH
Ward: Southway
Valid Date of Application: 19/10/2009
8/13 Week Date: **14/12/2009**
Decision Category: Member/PCC Employee
Case Officer : Thomas Westrope
Recommendation: Grant Conditionally
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OFFICERS REPORT

Site Description

224 Southway Drive is a mid-terraced dwellinghouse in the Southway area of Plymouth. The applicant's property and its terrace are located to the south of Southway Drive and are set significantly lower than the road. Most of the gardens are terraced with steps for access.

Proposal Description

Single-storey front extension

Relevant Planning History

03/01367/FUL - Vehicle Hardstanding in front garden ~ Refused

07/02025/FUL – Vehicular Hardstanding ~ Refused

Consultation Responses

Plymouth City Airport – No objection given the information provided.

Representations

Two letters of representation have been received from the neighbouring property, 222 Southway Drive. One relates to the application as originally submitted and one to the amended scheme now before committee.

The first letter (relating to the original proposal) objects on the grounds of impact to daylight/sunlight, detriment to the visual amenity of the area and impact to property value. It notes that the properties on this side of the road already suffer from low levels of light due to the elevated road position and that this would be the only extension of its type on this side of the road. It also notes that a previous planning permission for a vehicular hardstanding has been refused for similar reasons.

The second letter (relating to the amended scheme) raises the additional objections that the proposal will result in the additional use of lights (at expense) by 222 Southway Drive, and that the proposal creates an additional security risk with the potential use of the roof by thieves. It notes that although the proposal has been reduced in projection it is now located closer to the boundary and reiterates the objections in the original letter.

Impact to property value is not a material planning consideration but the other points raised are addressed in the analysis below.

Analysis

The proposal before committee has been amended from the original scheme in order to reduce the projection from the front of the building (from 2.14 metres) and improve the overall mass, appearance and design. It now projects by approximately 1.53 metres and is approximately 3.66 metres wide.

Visual Amenity

It is considered that the proposed extension is sympathetic in form, detailing and materials to the existing property and does not detract significantly from the character and appearance of the area.

The proposal is larger than would normally be expected from a front porch structure. However, the pitched roof relates well to the upper floor windows and the front elevation incorporates a window that helps to break up its mass. The proposal does not project by much more than 1.5 metres and is not wider than half of the dwelling. The fronts of the properties are set down from the road and it is therefore considered that the proposal would not create a dominating or imposing feature in the streetscene.

Impact to Neighbouring Amenity

It is considered that there will be no significant loss of privacy (subject to condition), outlook or sunlight/daylight to adjacent properties. The west elevation of the proposal is considered to have the potential to reduce the neighbour's privacy significantly if a window were inserted at a later date. It is recommended, therefore, that a condition be attached to any permission to ensure that any windows are obscured glazed and non-opening.

The proposal is likely to result in the loss of some daylight into the main living room window of the neighbouring property, 222 Southway Drive, however the detriment is not considered to be significant enough to warrant refusal. The proposal is approximately 0.5 metres short of the 45 degree guideline given in the Development Guidelines SPD when taken from the adjacent living room window. In addition, the proposal is to the north east of the window so no direct sunlight will be lost.

Precedent

The refusal of a hardstanding at the applicant's property is not considered to set a precedent for the refusal of this application. The impact to the neighbouring property from this application is considered to be of a different nature to that of the hardstanding. This application should therefore be determined on its own merits.

Designing Out Crime

Whilst designing out crime is a material planning consideration, the ability for individuals to be allowed to develop their properties must also be taken into account. Proposals such as this are commonplace within the City and it is considered that it would not be reasonable to refuse this application on the basis of increased risk of crime.

In addition the proposal is considered to satisfy all of the other criteria of Policy CS34 of the Core Strategy.

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.

Equalities & Diversities issues

This proposal will enable a downstairs WC to be created at the property as a facility for a disabled child. The proposal may also have impact on the amenity currently enjoyed by the neighbouring dwelling.

Section 106 Obligations

None

Conclusions

This application is recommended for conditional approval.

Recommendation

In respect of the application dated **19/10/2009** and the submitted drawings, **Amended Plan (Title: Existing Plan Elevation) Received 26 Nov 2009, Amended Elevation (Title: Existing Front Elevation) Received 26 Nov 2009, Amended Elevation (Title: Existing Side Elevation (West)) Received 26 Nov 2009, Amended Elevation (Title: Existing Side Elevation) Received 26 Nov 2009, Amended Plan (Title: Proposed Plan Elevation) Received 26 Nov 2009, Amended Elevation (Title: Proposed Front Elevation) Received 26 Nov 2009, Amended Elevation (Title: Proposed Side Elevation (West)) Received 26 Nov 2009, Amended Elevation (Title: Proposed Side Elevation (East)) Received 26 Nov 2009, Amended Block Plan Received 26 Nov 2009, Amended Block Plan Received 26 Nov 2009, and Site Location Plan , it is recommended to: **Grant Conditionally****

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) 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.

OBSCURE GLAZING REQUIREMENT

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification, specifically The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008) and Class A of Part 1 of Schedule 2 to that order, all window(s) in the south west elevation (facing 222 Southway Drive) of the

extension hereby permitted shall at all times be obscure glazed and non-openable.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: PROPERTY RIGHTS

(1) 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.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: neighbouring amenity and impact to the streetscene, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines