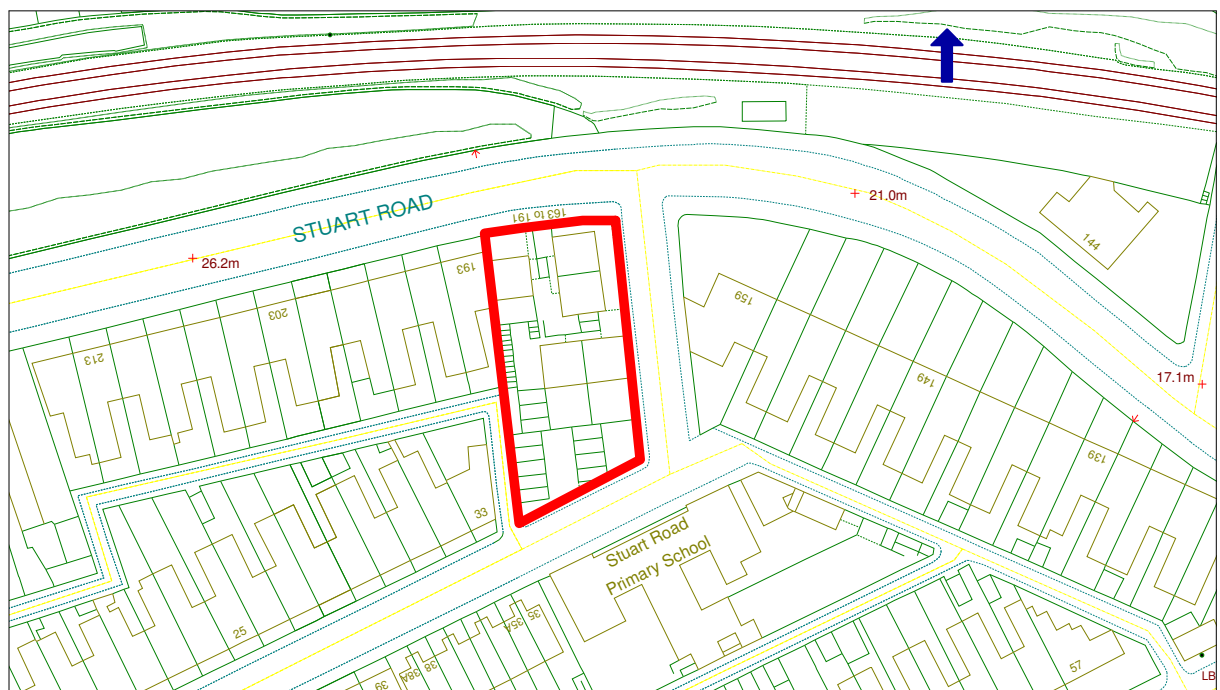


ITEM: 06

Application Number: 10/00093/FUL
Applicant: Mr Frank Phillips
Description of Application: Roof extension to provide two flats (1 x 2 bed and 1 x 3 bed)
Type of Application: Full Application
Site Address: 163-191 STUART ROAD PLYMOUTH
Ward: Stoke
Valid Date of Application: 22/01/2010
8/13 Week Date: **19/03/2010**
Decision Category: Member/PCC Employee
Case Officer : Jeremy Guise
Recommendation: Grant Conditionally
Click for Application Documents: www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2010 Scale 1:1250

This application has been called to Planning Committee for decision on the basis of the history of the site and the previous appeal decision.

OFFICERS REPORT

Site Description

The application site comprises of a regular shaped piece of land (approx. 0.02 ha.) on the corner of Stuart Road and Pamerston Street in Stoke. Currently it is occupied by 15 flats arranged in three linked blocks. The flat blocks are three storeys, flat roofed and fairly utilitarian and functional in design. There is an attached garage book on the Palmerston Street frontage, to the rear, which contains 12 lock up garages which is functional and an intrusive feature within the streetscene.

The surrounding area is predominantly residential in character containing larger Victorian terraced houses, in Stuart Road to the east and west, and smaller scale terraced houses in Palmeston Street to the south west. The exception is Stuart Road Primary School, an imposing 3 storey municipal building immediately to the south. The mainline railway separates the site from residential property on the opposite side, to the north.

Proposal Description

Planning permission is sought to extend the building upwards to provide two additional flats (1x2 bed & 1x3 bed), capped with a pitched roof containing roof terraces 'cut' into it.

The three bed flat is shown occupying the corner of Stuart Road and Palmerston Street. It comprises a bedroom with ensuite bathroom, recessed balcony and access stair above block A; and entrance hall dining/lounge / kitchen and two bedrooms, both with ensuite bathrooms, above block B. An internal stair provides access to two terraces, sculptured out of the roof plane. The two bedroom flat is located above block C. It comprises of an entrance hall dining/lounge / kitchen and two bedrooms, both with ensuite bathrooms and internal stair that provides access to south facing roof terrace.

Externally, the proposed extension would appear as a part glazed / part rendered structure above the parapet of the existing flats, with a hipped, pitched roof containing a broken profile where the roof terraces interact.

No changes are proposed to the existing parking and refuse arrangements. The new flats would share the exiting provisions.

The applicant has pointed out that an additional hardstanding area for 4 vehicles has recently been completed in the south eastern corner of the site abutting Palmerston Street.

Relevant Planning History

- 07/00087/FUL – Extensions and alterations to provide for 12 flats – WITHDRAWN

- 07/01956/FUL Alteration and extensions to create 10 additional flats and formation of underground car parking area (revised scheme) REFUSED 09 Jan-2008. This decision was appealed (Planning Inspectorate Ref.:- APP/N1160/A/08/2067354)

The appeal decision was summarised as follows for members:-

'This appeal followed the decision by Members to refuse planning permission for upward extension and re-cladding to provide 10 additional flats on the corner of Stuart Road and Palmerston Street. Members refused permission, contrary to officer recommendation, following a site visit on grounds of townscape and infrastructure provision. At the Hearing the Inspector also heard from local residents in respect of living conditions, privacy and loss of daylight. The Inspector considered these to be the main issues to be assessed at appeal.

He agreed with members that the locality has a pleasantly traditional appearance where well proportioned and detailed buildings relate to their neighbours, the street pattern and the topography of the land in a cohesive manor. In his view the appearance of the proposed new building would be jarring and would not represent a positive addition to the streetscape. He also agreed with residents and neighbours that some elements of the proposal would have a harmful affect on living conditions; that it would exacerbate overlooking of, and decrease daylight to, No. 193 Stuart Road.

However, he considered there to be no substantive or persuasive evidence indicating why the proposal was unacceptable without bus stop improvements and found the evidence of educational contribution requirements conflicting - noting, in passing, that the Interim Planning Statement 4 'Educational Needs Arising from New Residential Development' carries only limited weight due to age, incomplete adoption process and links to an expired policy framework. The Inspector did not consider these requirements justified. He dismissed the appeal, but awarded partial costs against the council.'

(Note that this proposal included provision of an underground car park)

09/01268/FUL - Retention of safety rail on roof and four additional private car parking spaces. Planning permission GRANTED CONDITIONALLY 30th October 2009.

Consultation Responses

Highway Authority – This application would result in the creation of an additional 2 residential units (1 x 2 bed and 1 x 3 bed) which increases the overall number of units on the site from 15 to 17. In addition to the 12 allocated garage units, an application for an additional 4 off-street car parking spaces was approved in 2009 (application no. 09/01268/FUL). The applicant's agent has suggested that these spaces were created in order to serve the 2 new units hereby proposed. However, upon viewing that earlier

application it would appear that the highway recommendation was based upon those additional spaces serving the existing units in order to address the existing car parking shortfall. No mention was made of those spaces serving the new units now being sought.

In view of the on-street car parking difficulties that exist within the area (the streets are often parked to capacity in the evenings) and the existing school located on the opposite side of the road to the development which also generates considerable demand for parking, the highway Authority should be recommending this application for refusal on the basis of inadequate provision of parking (16 spaces serving 17 units). However a car parking shortfall of just 1 space would be an extremely difficult refusal reason to defend were this application go to appeal.

The level of parking proposed is consistent with local maximum and national parking standards which are set at levels which encourage the use of sustainable alternatives such as walking, cycling and public transport as an alternative to the private car.

Therefore, reluctantly, there is no alternative but to recommend in support of this application although it is recommended conditions be attached relating to off-street car parking and secure cycle parking.

Public Protection Service – Raise no objection to the proposal, but recommend conditions relating to Code of Practice and noise, in the event that the application is recommended for approval.

Police Architectural Liaison Officer – Raise no objection to the granting of planning permission.

Representations

Neighbours surrounding the site have been notified of the application and site notices posted around the site. This has resulted in receipt of four letters of representation (L.O.R.) two raise objection to the proposal (including one from a local ward councillor- writing both as a resident and as a member), another raises concerns about working times and conditions and the third supports the proposal.

Cllr. J Dolan - I wish to voice my objection to the above planning application. Both as a resident and as a Ward Councillor I feel (as do a lot of my residents) that approval of this application would merely exacerbate the problems with parking that we already experience.

Only last Friday I had a meeting at the School with the Head, parents, staff, School Travel Plan Officer and Road Safety Officer and it was agreed by all that the corner of the street presents problems with traffic and having an increased number of residents would, I feel, merely add to this problem.

The objections can be summarised as follows:-

- Loss of light as a result of C block increasing height

- Loss of views of the sea and jennycliff from top floor south facing windows.
- We will be overlooked especially with all the glazing that is proposed coupled with the reset balconies
- The build is completely out of character with all the 1900 properties surrounding it and out of character with the 1950's build that supports it.
- Increased demand for parking; the new car park at the SE corner of this build removes on the street parking rather than augments it. With the increase in residency there is going to be more cars.

Comment upon the proposal:-

- Do not object in principle to the proposal, but concerned about disturbance and inconvenience during the construction period as the proposal is to construct on top of an occupied building. Ask for strict adherence to 08.00-18.00 working time and consultation with residents on working conditions.

Comments in support of the proposal:-

- In all respects I consider that the addition of the two flats on the roof areas would enable and provide a considerable enhancement of this otherwise dull and lifeless mid 1970s post war block.
- [The proposal] is for an attractive new roof design to provide two attractive apartments which would give a much needed boost to the building.
- Four more car parking spaces have been added, at least 2 of which will be available to the proposed new flats.
- The two flats will allow a much needed upgrading of the common part stairways.

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.

The key issues in this case are:-

- The impact of the proposed roof extension upon the character of the area. (Policies CS01, CS02, CS34 of the Adopted Core Strategy).
- Adequacy of the proposed residential environment for future occupiers (Policies CS15; CS16 and CS34 of the Core Strategy)
- The impact of the proposed roof extension upon the amenities of neighbouring residential properties (Policy CS34 of the Adopted Core Strategy).

- Community infrastructure Requirements (Policy CS33 of the Core Strategy)
- Access and parking implications (Policies CS28 and CS34 of the Adopted Core Strategy).

The impact of the proposed roof extension upon the character of the area.

It was common ground, accepted by both parties and the Planning Inspector, at the previous appeal hearing, that the existing buildings are of a non-descript design quality, contributing little to the character and appearance of the general area. The Inspector also noted, and agreed with the view that:-

'The Council has no objection to the principle of replacing or modestly altering the appeal site and I agree with this position.' (Para. 10 of the Appeal Decision notice).

This proposal is for two additional flats. It would be difficult to make a case that, in principle, this was excessive and not the modest alteration of the type previously indicated to be acceptable.

The design of the proposed extension is partly determined by the construction method chosen: a steel frame built off existing walls. This gives the proposed extension an 'indented' appearance which contrasts with the existing brick part of the building, below. In combination with the large hipped roof and deep overhanging eaves, the overall effect is a vaguely dated 1980's appearance. But it is not unpleasant and clearly results in a building that is of more appropriate scale to its neighbours: Victorian terraced housing and the Stuart Road primary school, than the existing. Given that agreed view of the merits of the existing block and the absence of conservation area protection for the area, the general appearance of the proposed development is considered to improve upon the existing, and be acceptable.

Adequacy of the proposed residential environment for future occupiers

The proposed flats are of generous internal dimensions, would have multiple aspects and useable sized roof terraces / balconies. They would provide a very acceptable standard of accommodation.

The impact of the proposed roof extension upon the amenities of neighbouring residential properties

Policy CS34 (6) (Planning Application considerations) is particularly relevant to consideration of the impact of a proposed development upon the amenities of neighbouring property. It states:-

Planning permission will be granted if all relevant considerations are properly addressed. These considerations will include whether the development:

6. Protects the amenity of the area, including residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The proposed development would introduce an additional balcony and extra bedroom window for the proposed two bed flat above part of block B and block C. The window and balcony would look down, from a greater height, into the rear tenement and yard of Number 193 Stuart Road, the neighbour to the west. This area is currently overlooked by the existing flats. So the issue is

whether the proposal would intensify the existing overlooking and overshadowing relationship to an unacceptable extent.

At the time of the appeal into the previous ten unit scheme, the Planning Inspector considered the issues overlooking and overshadowing from developing above and commented in para. 22 of the Decision Notice as follows:-

'Residents of relatively densely populated urban areas , such as Stuart Road and Palmerston Street , are often subject to greater levels of intervisibility between properties and the greater affects of other buildings upon levels of daylight and sunlight than those experienced by residents of suburban or lower density areas. I am also conscious that the Council did not consider the proposal objectionable on these grounds. However, while mindful of the benefits of the scheme in other regards and accepting that the matter is not necessarily a determining factor in its own right , I find that the harm that would be caused to the living conditions of occupants of the flats and the neighbour at No.193, by reason of loss of light and increased overlooking , supports my conclusion that the proposal would be unacceptable and contrary to the objectives of the development plan, particularly the provisions of Policy CS34.'

That proposal was for a much larger building with more flats windows and balconies above blocks A and B facing towards the neighbouring property. However, the additional storey proposed above block C, was not signalled out for comment. It is therefore reasonable to conclude that in terms of building height, scale and massing, an additional storey above block C, is acceptable.

Unlike the pervious proposal, the current proposal contains a bedroom window and balcony on the western elevation that faces towards the tenement and yard of No. 193. It is considered that the impact and perception of overlooking from these features needs to be addressed. The applicant has been asked to consider omitting the extra bedroom window; to raise the height of the balcony balustrade to 1.6m and provide translucent or opaque glazing to reduce casual overlooking by occupiers (i.e. when seated on the balcony). Providing these, or alternative effective, measures are taken to mitigate overlooking, this relation ship is considered to be satisfactory given the overall context.

The points of concern raised about construction practices are particularly well made in this case given that the 'site' is located on top of existing occupied flats and there is very little working space for builders etc within the curtilage of the property. The hours of work suggested as acceptable by the correspondent are reasonable. It is considered that they should be included in a wider condition to regulate construction.

It is a long established nostrum of planning law that neighbours do not have a 'right to a view'. Individual views cannot be safeguarded in the way sought.

Community infrastructure Requirements

None. The proposal is for two residential units. This figure is below the threshold for collection of the Plymouth tariff under the provisions of the Market Recovery Plan.

Access and parking implications

The proposed development was built with 12 parking spaces for 15 flats - an historic shortfall of 3 spaces. Four spaces have recently been added, as hard standing making a total of 16 spaces altogether. This is one short of the ideal of providing one space per unit in this part of the city. However, it would be extremely difficult to justify refusal on the basis that the historic shortfall has only been partly, not fully, addressed by recent developments.

Equalities & Diversities issues

The proposed flats are to be built on top of the existing blocks and served by the existing staircases. There is no lift, or easy scope to provide one. The flats will therefore be unsuitable for people with disabilities.

Section 106 Obligations

The proposal is for less than 5 dwellings and is therefore exempt from Tariff payment under the Market Recovery Scheme operating between 1st Jan 2010 – 31st March 2011.

Conclusions

This is a significantly smaller and less intrusive extension proposal than the earlier scheme that members refused, and successfully defended at appeal. Ideally it would provide sufficient parking for one space to be allocated for each flat, rather than 16 shared between 17. But it is not considered that this provides sufficient reason to withhold planning permission for what is in other respects an attractive extension that will enhance the appearance of the building and the immediate neighbouring area.

Recommendation

In respect of the application dated **22/01/2010** and the submitted drawings, **1.OS Exreact SX4655SE; 2. 0408/0002/1st; 2. block plan; 3. proposed floorplan ; 5.Existing East elevation; 6.Proosed east elevation; 7.existing west elevation; 8. proposed west elevastion; 9. Existing north elevation; 10. Proposed north elevation; 11.Exiting west elevation; 12 proposed south elevation; 13 Section, 14. Roof 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.

EXTERNAL MATERIALS

(2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROTECTION FROM UNWANTED NOISE

(4) The development should be built in such a way that the living rooms meet BS8233:1999 Good Room criteria

Reason: To protect the residents from unwanted noise, after occupation of the building.

PROVISION OF PARKING AREA

(5) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

CYCLE PROVISION

(6) No dwelling shall 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 two bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(7)The secure area for storing cycles 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:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be:

- The impact of the proposed roof extension upon the character of the area.
- Adequacy of the proposed residential environment for future occupiers
- The impact of the proposed roof extension upon the amenities of neighbouring residential properties
- Access and parking implications

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:

PPG13 - Transport
PPS3 - Housing
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS20 - Resource Use
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision