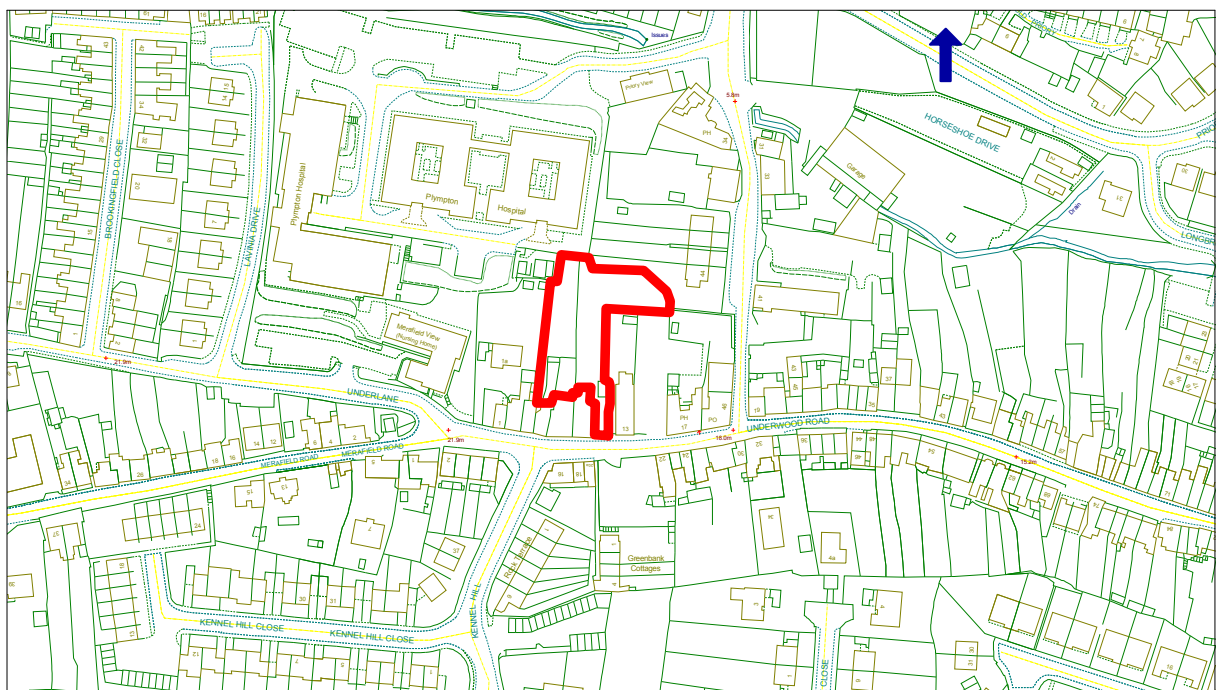


ITEM: 11

Application Number:	10/00711/OUT
Applicant:	South-west Property Developments Ltd
Description of Application:	Outline application to develop land by erection of three 4-bedroomed 100sqm floor area detached dwellinghouses
Type of Application:	Outline Application
Site Address:	LAND TO THE REAR OF 7-11 UNDERWOOD ROAD PLYMOUTH
Ward:	Plympton Erle
Valid Date of Application:	24/05/2010
8/13 Week Date:	19/07/2010
Decision Category:	Member Referral
Case Officer :	Jon Fox
Recommendation:	Refuse
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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward councillor is concerned about the loss of gardens, congestion and parking, potential flooding and overlooking of neighbours.

The application was reported to Members at the committee meeting on 29 July when it was deferred for further information and clarification of matters relating to the height of the proposed buildings; density requirements; the character of the area in terms of plot sizes and uses and the site address. The agent has confirmed that the site address is land to the rear of 7-11 Underwood Road. Other matters relating to the height of the buildings etc have been incorporated into this report.

Site Description

The site comprises garden land to the rear of 7-11 Underwood Road, which also extends to the rear of No.13 and the car park to the public house at No.17 Underwood Road. The land slopes downwards from the front of the site (south to north). The site is bounded to the west by the house and garden at 1a Underwood Road; to the north by Plympton Hospital and the garden of 44 Market Road (both at a considerably lower level than the site) and to the east by 44 Market Road and 13 Underwood Road. Access is via a drive adjacent to 11 Underwood Road, which passes the entrance to accommodation in that property.

Proposal Description

Outline application to develop land by erection of three, 4-bedroomed, 2-storey, 100sqm floor area detached dwellinghouses. The dimensions of the houses are 8.6 to 8.9 metres wide; 7.6 to 7.9 metres deep and 7.3 to 7.7 metres from ground floor level to ridge height (the site slopes from south to north and as a result the ground floor of the buildings could be up to approximately 400mm above actual ground level). The ridge heights above datum level are shown to be: 24.39 to 24.79 metres (Unit 1), 23.20 to 23.60 metres (Unit 2) and 22.30 to 22.70 metres (Unit 3).

Relevant Planning History

09/00532 - Outline application for construction of eight, two-bedroom flats and associated car parking and vehicle turning areas. The flats are indicatively arranged in 4 blocks of two flats each (3 in a terrace on the western side of the site and one to the east, bounded by 44 Market Road and 13-17 Underwood Road). The dimensions of the flats are 7.5 to 7.7 metres deep and 8.0 to 8.2 metres wide. The ridge heights above datum level are between 23.85 to 26.60 metres. This application was refused due to:

- (1) The Local Planning Authority considers that the proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and associated rear gardens will lead to levels of noise and disturbance that

will be demonstrably harmful to the amenities of the occupiers of those properties.

- (2) While the submitted drawings are illustrative only, the Local Planning Authority considers that the buildings will, due to their scale and proximity, be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and due to their height will also result in a serious loss of privacy for the occupiers of those properties and 46 Market Road.
- (3) With regard to sunlight and daylight, the Local Planning Authority considers that the close proximity of the proposed dwellings to the boundaries of neighbouring properties at 1a Underwood Road and 44 Market Road will result in an unreasonable loss of sunlight and daylight to the rear gardens of those properties.
- (4) The Local Planning Authority considers that the density of the development, the intensive use of the site, and the close proximity of the proposed access road and dwellings to neighbouring properties will lead to unreasonable levels of noise, disturbance and light pollution for the occupiers of 1a and 13 Underwood Road and 44 Market Road.
- (5) The Local Planning Authority considers that the amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of the sub-standard accessway that serves it, is not considered capable of generating its own street frontage and the density of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties.
- (6) The Local Planning Authority considers that the proposed development is likely to result in an unacceptable increase in the number of vehicular movements taking place at and in the vicinity of the application site. The Local Planning Authority considers that the increase in vehicular movements arising from development would give rise to conditions likely to cause:
 - (a) Prejudice to public safety and convenience;
 - (b) Interference with the free flow of traffic on the highway; and
 - (c) Unwarranted hazard to vehicular traffic;which is contrary to Policy CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.
- (7) The Local Planning Authority considers that the proposed access arrangement is unsuitable for its intended use and is therefore likely to give rise to issues of personal and highway safety. Vehicular movements arising from the development would give rise to conditions likely to cause:
 - (a) Prejudice to public safety and convenience;
 - (b) Interference with the free flow of traffic on the highway; and
 - (c) Unwarranted hazard to vehicular traffic;

which is contrary to Policy CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

- (8) The Local Planning Authority considers that no adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:
- (a) Damage to amenity;
 - (b) Prejudice to public safety and convenience; and
 - (c) Interference with the free flow of traffic on the highway;
- which is contrary to Policy CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.
- (9) The Local Planning Authority considers that the proposed development is unsatisfactory and unacceptable in that it will fail to meet accepted standards for: turning and parking of vehicles attending at the site; vehicular and pedestrian circulation within the development; pedestrian links to the wider footway network; safe access to and from the site; and street lighting and drainage and gradient of the street.

05/01696/OUT (13 Underwood Road) - Outline application to develop rear garden by erection of dwelling, with details of means of access (as existing), with demolition of rear tenement of existing dwelling and formation of parking area. This application was refused.

Consultation Responses Highway Authority

No objections subject to conditions.

Public Protection Service

Have no objections subject to conditions relating to land quality and code of practice.

Representations

Seven letters were received, which raise objections on the following grounds:-

1. Dangerous access from Underwood Road – poor visibility and danger to pedestrians – traffic congestion.
2. 'Garden grabbing' – loss of green space - the site was originally a large and mature garden.
3. Contrary to the application, there is no post office and public house nearby.
4. Disruption during the building works, including disruption to access along Underwood Road.
5. There are already 49 houses being built near the site and another three houses are not needed.
6. Overlooking and loss of privacy to 1A Underwood Road.
7. The site actually comprises the gardens of Nos. 5 and 11 Underwood Road.

8. The occupier of 1A Underwood road wrote to reiterate concerns about the development.

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.

Main Issues

The main issues in this case relate to the backland nature of the site and the impact of the proposed development on surrounding residential amenity in terms of dominance, visual intrusion, privacy and noise and disturbance; the amount of development and the impact on the character and appearance of the area, and the impact on traffic congestion and highway issues relating to the use of the proposed driveway and access point onto Underwood Road. With regard to the above issues it is necessary to assess whether the current proposals overcome the previous reasons for refusal without raising any other problems. With regard to the neighbour letter, which states that the site actually comprises the gardens of Nos. 5 and 11 Underwood Road, it is considered that, geographically speaking, the site can accurately be described as land to the rear of 7-11 Underwood notwithstanding the ownership past or present.

Transport Considerations

With regard to transport matters, this is a cause for serious concern and objection among those residents who have written in about the proposals. Underwood Road is, at this point, a narrow and busy stretch of highway that is often fraught with vehicular congestion. It was because of the previous highway reasons for refusal that the applicants engaged the Local Planning Authority in post-decision discussions to see if a way forward could be found to overcome the Highway Authority's objections.

Compared with the previous scheme, it is considered that the reduction in residential units would reduce the number of vehicle movements in the vicinity of the site and that the private access way (5.2 metres wide initially, narrowing to 4.2 metres) and the gradient of the accessway (in the order of 1.11), results in an adequate access arrangement. In terms of the suitability of Underwood Road, it is recognised that driver visibility could be hampered at the site entrance. However, it is considered that the current pedestrian build-out in the highway, just to the west of the site entrance, does help to improve visibility at this point. In addition it is considered that new white lining (across the driveway entrance) and/or cross hatching (adjacent to the pedestrian build-out) would discourage parking close to the entrance and improve visibility. This has resulted in a scheme to which the Highway Authority does not object, although there are a number of conditions that underpin this

recommendation. On this basis it is considered that the proposals overcome reasons 6, 7, 8 and 9 of the decision notice relating to application 09/00532.

Backland Nature of the Site

With regard to the backland nature of the site, the proposed driveway passes close by to the side of both 11 and 13 Underwood Road. Previously it was considered that the number of vehicle movements associated with this many (eight) units, would lead to conditions of unacceptable noise and disturbance for the occupiers of those properties, and that the number and proximity of units to the gardens of 1a and 13 Underwood Road and 44 Market Road would generate a level of noise and disturbance that would be harmful and out of character in the area, to the detriment of residential amenity at those properties. As far as the current proposals are concerned it is considered that the number and proximity of units to the gardens of 1A and 13 Underwood Road and 44 Market Road would not now lead to such an intensive use of the land and therefore would not cause undue noise and disturbance. However, the proposed driveway would still lead to conditions of unacceptable noise and disturbance for the occupiers of 11 and 13 Underwood Road via the comings and goings of vehicles, which would pass close by the side of both these properties. In this case the proposals are contrary to policies CS15 and CS34 of the Core Strategy and the refusal still stands in part.

Impact of Proposed Buildings on Residential Amenity

With regard to the impact on neighbours, it was considered previously that the height and proximity of the terrace of 3-storey units to the garden of 1a Underwood Road would be overbearing and dominant when viewed from the house and garden at that property and would appear visually intrusive and lead to an unreasonable loss of privacy. The same problems would have faced the occupiers of 44 Market Road, which would also have been seriously and unacceptably overlooked from the single block of two flats proposed near that boundary and would also have experienced a loss of sunlight and daylight. The garden at 46 Market Road will also have been overlooked from this part of the proposed development.

The current proposals are for three houses that are not as high as the previously proposed flats and do not present a terrace of three buildings when viewed from 1A Underwood Road. The buildings have also been moved further away the boundary with that property. Unit 3 has also been moved further back from the rear elevation of 44 Market Road. However, the two houses backing onto 1A Underwood Road are still near enough to be overbearing and dominant and they would still be visually intrusive. Privacy would not be an issue as the rear facing windows would be angled to face north. However, this in itself presents a problem as the windows would be north-facing and would deny the occupiers a reasonable aspect from the rear of the properties. 44 Market Road would also still be visually dominated by Unit 3 and the loss of sunlight would still be unreasonable. Loss of privacy could be avoided by angling the windows away from No.44. No.46 Market is not now unreasonably affected as Unit 3 is further south than the previously proposed building in this position. However, No.44 is affected by the Unit 2, which is further north than the previous terrace of buildings on the western

side of the site. Essentially, the proposals have not overcome refusal reasons 2 and 3 of the previous decision. In this case the proposals are contrary to policies CS15 and CS34 of the Core Strategy.

With regard to refusal reason 4 (intensity of development affecting neighbours) it is considered that the reduced density of the development and more spacious layout would not result in an unreasonable impact on neighbours.

Impact on Character of the Area

Since the previous application was determined, the Coalition Government has announced an amendment to PPS3 (housing), which changes the emphasis on garden land development by classifying garden land as 'greenfield' sites and not 'brownfield' sites, as they were previously. However, this does not mean that Local Planning Authorities have to refuse all such applications. This Authority has consistently used its adopted policies to refuse applications where garden development has seriously affected the character of the area and that is a consideration that underpins refusal reason 5. The Coalition Government has also announced the deletion of the national indicative minimum density of 30 dwellings per hectare, so there is now no density target acting as a driver for the development. The Government's advice to Inspectors is that these changes to PPS3 should be taken into account as material considerations and that it will be for the decision maker to determine what constitutes a private residential garden.

With regard to refusal reason 5, the proposals, although lesser in numbers and overall density, are still considered to be out of character in the area. One of the key arguments in this case is whether the development would be at odds with the relatively spacious layout and depth of plots on surrounding properties. In this respect the surrounding area exhibits a mix of uses and plot sizes. For example, to the north and west of the site lies the Plympton Hospital and Merafield View Nursing Home, which are both non-residential in terms of their character. However, Nos. 38 to 44 Market Road, which are to the east of the hospital, and immediately north of the application site, have long rear garden plots and these are adjacent to, and form part of, the character of the long garden plots that the application site appears to have once consisted of. The land to the west of the site has had its own backland development, which is now 1a Underwood Road. However, this house is set further up the plot and still preserves a reasonably long and spacious plot of its own that is significantly more in keeping with the area than the small plots now proposed. This pattern of larger, more spacious plots is a key component of the balance between smaller plots and plots of this type and preserving them maintains the unique character of the Underwood Road area of Plympton and prevents it from becoming overdeveloped. Therefore, despite the mix of plot sizes and uses, it is considered that the proposals are harmful to the character and appearance of the area contrary to policies CS02 and CS34 of the Core Strategy.

Equalities & Diversities issues

None.

Section 106 Obligations

None.

Conclusions

The proposals overcome a number of the previous refusal reasons, but not those relating to the impact on residential amenity and the impact on the character of the area. The proposals essentially overdevelop the site and this has led to many if not all of the problems identified with the scheme, which are not considered to be outweighed by the aims of policy CS15 (overall housing provision), which is to ensure that sufficient land is available to meet the city's strategic housing allocation up to 2021. It is therefore recommended that planning permission be refused.

Recommendation

In respect of the application dated **24/05/2010** and the submitted drawings, **UR-A3/01B, and accompanying design and access statement**, it is recommended to: **Refuse**

Reasons

NOISE AND DISTURBANCE

(1) The Local Planning Authority considers that the proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and associated rear gardens will lead to levels of noise and disturbance that will be demonstrably harmful to the amenities of the occupiers of those properties. The proposals are therefore contrary to policies CS15, CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPACT ON NEIGHBOURS

(2) While the submitted drawings are illustrative only, the Local Planning Authority considers that the buildings will, due to their scale and proximity, be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and will also result in a serious loss of privacy for the occupiers 1A Underwood Road. The proposals are therefore contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

LOSS OF SUNLIGHT

(3) With regard to sunlight and daylight, the Local Planning Authority considers that the close proximity of the proposed dwellings to the boundary of 44 Market Road will result in an unreasonable loss of sunlight and daylight to the rear gardens of that property. The proposals are therefore contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

OUT OF CHARACTER

(4) The Local Planning Authority considers that the amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of the accessway that serves it, is not considered capable of generating its own street frontage and the density of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties. As such, the proposals are considered to be harmful to the character and appearance of the area. The proposals are therefore contrary to policies CS02 and 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 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, and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

PPS3 - Housing
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines