

ITEM: 2

Application Number: 10/01052/FUL

Applicant: Mr and Mrs Stephen Shirley

Description of Application: First-floor rear extension and re-locate existing balcony; part two-storey, part-single storey side extension including swimming pool, plant room and gym (existing garage to be removed)

Type of Application: Full Application

Site Address: LAKE HOUSE, 78 RADFORD PARK ROAD
PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 25/06/2010

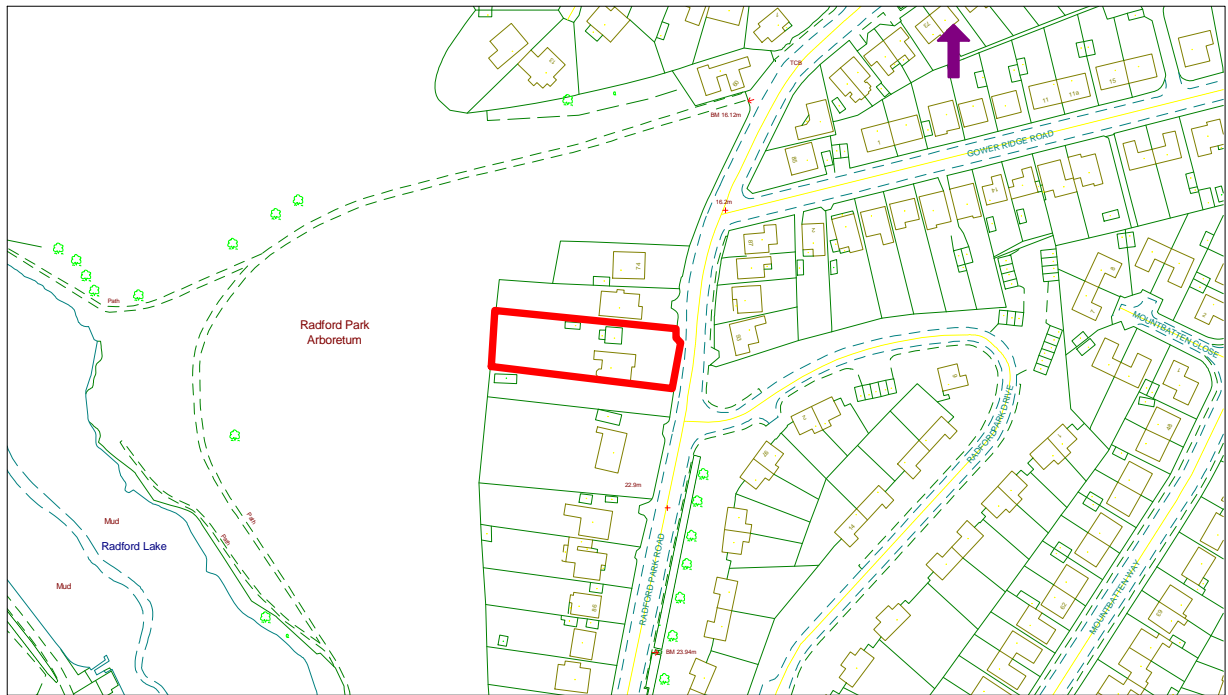
8/13 Week Date: **20/08/2010**

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Grant Conditionally

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OFFICERS REPORT

This application is being brought before committee as a result of a member referral from Councillor Ken Foster. Councillor Foster considers that the site has been developed enough, the proposal will have an impact on Radford Park and it will set an unwelcome precedent.

Site Description

No 78 Radford Park Road is a two-storey detached dwellinghouse in the Plymstock area of the city. The property has recently been extended to the rear, by way of planning permission 05/01252/FUL. This east-facing property benefits from a large, leafy garden which projects approximately 35m from the rear of the dwellinghouse, overlooking Radford Park to the west. Part of this garden (south of the dwellinghouse) is being developed by erection of a single dwelling – approved under planning application 09/00697/FUL.

Proposal Description

A first-floor rear extension to enlarge a bedroom, with the re-location of existing balcony; and a part two-storey, part single-storey side extension including swimming pool, plant room, gym and two single private motor garages. The existing double garage is to be removed.

The proposed side extension projects approximately 9m from the side elevation of the original dwellinghouse and measures approximately 29.3m in depth (total).

Relevant Planning History

09/01600/FUL - First floor rear extension and first floor side extension and single storey rear extension including swimming pool, plant room and gym – Refused

09/00697/FUL - Construction of single-storey dwellinghouse (with rooms in the roof) incorporating front dormer windows, rooflights, integral private motor garage and rear conservatory (revisions to previously approved scheme 04/00811) - Permitted

09/00268/FUL – Part two, part first-floor side extension and single-storey rear extension including swimming pool and gym – Permitted

08/01844/FUL – Part two storey, part first floor side extension and single storey rear extension including swimming pool and gym – Withdrawn (prior to intended refusal)

08/00234/OPR – Alleged non-compliance with approved development
05/01252- rear extension – Enforcement investigation

05/01252/FUL – Two-storey rear extension with balcony and terrace (existing rear structures to be removed) – Permitted

04/02110/FUL – Two-storey rear extension with balcony and terrace (existing rear structures to be removed) – Refused

04/00811/FUL – Develop part of garden (south of existing dwelling) by erection of a single-storey dwelling, with formation of new vehicular access and parking and turning area – Permitted

03/01265/OUT – Outline application to develop part of garden by erection of a dwelling, with details of siting (south of existing dwelling) and means of access – Permitted

03/00378/OUT – Outline application to develop part of garden by erection of two dwellings, with details of siting (one each side of existing dwelling) and means of access – Refused

Consultation Responses

Highways Authority – No objections, with suggested conditions

Public Protection Service – No objections, with suggested condition

Representations

One letter of objection has been received from 80 Radford Park Road.
Objections:

- Overdevelopment and out of scale
- Highway considerations including distraction to motorists
- Impact on “Conservation Area” (Radford Park)
- Covenant restrictions (not a material planning consideration)
- Private property concerns (not a material planning consideration)

A large majority of the letter refers to the approved development of the new dwelling within the grounds of the original house. This development has planning permission and no concerns regarding the new dwelling can be considered as part of this application.

Analysis

This application turns upon policies CS02 and CS34 of the Core Strategy (2006-2021) 2007 and the Council's Supplementary Planning Document (SPD) – 'Development Guidelines'.

This application is an amended version of a previously refused scheme (09/01600), although permission was previously granted for the majority of the proposal in application 09/00268. The main differences from the scheme that was previously refused include the removal of the proposed part-two storey, part single storey rear extension to the main dwelling. This has been replaced with a proposed small first-floor extension. In addition, some of the proposed roof alterations which formed part of the previous application have also been removed.

Impact on no.76 Radford Park Road

The development does not meet the '45 degree guidance' in the SPD in respect of no.76. The proposed projection, together with the proximity to the shared boundary, results in a potentially dominant and overbearing façade (north elevation on plan) which would cause a loss of outlook to the occupiers of the neighbouring bungalow. However, in this case, the proposal site is screened by the existing boundary treatment (vegetation). Furthermore, the proposal is not considered to have a significantly greater or lesser impact on the amenities of no.76 than that of the approved scheme. Therefore, it is considered that the impact could not warrant the refusal of this planning application. Additionally, no letter of representation objecting to the scheme has been received from the occupier of no.76.

Impact on no.80 Radford Park Road

Notwithstanding the submitted letter of representation from the occupier of no.80 Radford Park Road, it is considered that the proposed development will not compromise the amenities of this neighbouring property. The proposal site is located north of application property, approximately 20m away from the shared boundary with no.80. Furthermore, a detached dwelling is currently under construction between nos.78 and 80.

Impact on the approved dwelling under construction

The proposed extensions are not considered to have an adverse impact on the amenities of the approved dwelling currently under construction in terms of loss of outlook and sunlight daylight due to the distance between the proposals and the property. The removal of the rear extension and associated balcony/terrace which formed part of the previous application has removed overlooking concerns. The small first-floor rear extension measures just 1 metre deep and the same roof line will be retained. The limited nature of the extension will ensure the impact on the approved dwelling is minimal.

Design

The properties in the area are varied and have a range of design features. The proposal will significantly alter the visual appearance of the application property. Prior to approval of the previous scheme, the scale of the scheme was recognised, but it was considered that the extension was sympathetic in form, retained a coherent design, and did not detract from the high aesthetic quality of the area or overdevelop the site.

The additions then detailed in the refused scheme lead to a lack of cohesion in terms of the design with a hotchpotch of different features which unreasonably detracted from the appearance of the rear of the dwellinghouse. The removal of the rear extension and amendments to the roof have simplified the design and they are now more in line with the previously approved scheme. Although the rear of the property is visible from Radford Park, there is a hedge and a number of trees which will offer a good level of screening. It is not considered that the proposal will adversely affect the visual quality of Radford Park.

Highway Considerations

Notwithstanding the submitted letter of representation, the highways officer considers that the proposal will improve highway safety at the property. The proposal involves enlarging the existing turning area which will allow a car to enter and leave the site in a forward gear. The highways officer recommends two conditions; however as these were not imposed on the previous approval, and as this element of the application has remained the same, such conditions are not considered appropriate.

Noise

The Public Protection Service has recommended a condition to cover noise from the plant room. This is considered necessary to protect the amenities of neighbouring properties. A code of practice condition was also imposed on the previous approval and, given the scale of the works, a similar condition is considered appropriate in this case.

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

No equality and diversity issues.

Conclusions

It is considered that the application has been suitably amended following the previous refusal to address the concerns raised. The proposal will not be detrimental to neighbouring properties - in respect of no.76 this conclusion has regard to the presence of screening vegetation and to the impact of the previously approved scheme. The proposal would also have an acceptable impact on the character and appearance of the area. The application is therefore recommended for conditional approval.

Recommendation

In respect of the application dated **25/06/2010** and the submitted drawings, **1077.LP, 1077.05J, 1077.01J, 1077.06, 1077.07J, 1077.08D, and accompanying design and access statement** , 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.

CODE OF PRACTICE DURING CONSTRUCTION

(2) 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.

PLANT ROOM

(3) Any noise emitted from the plant room hereby approved shall not be audible at the boundary of the property.

Reason:

In order to protect neighbours' amenities in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 2 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Hours of deliveries and location of construction traffic parking; and
- b. Hours of site operation, dust suppression measures, and noise limitation measures.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: effect on neighbouring properties and the impact on the character and appearance of the area, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration

CS22 - Pollution

CS02 - Design

SPD1 - Development Guidelines