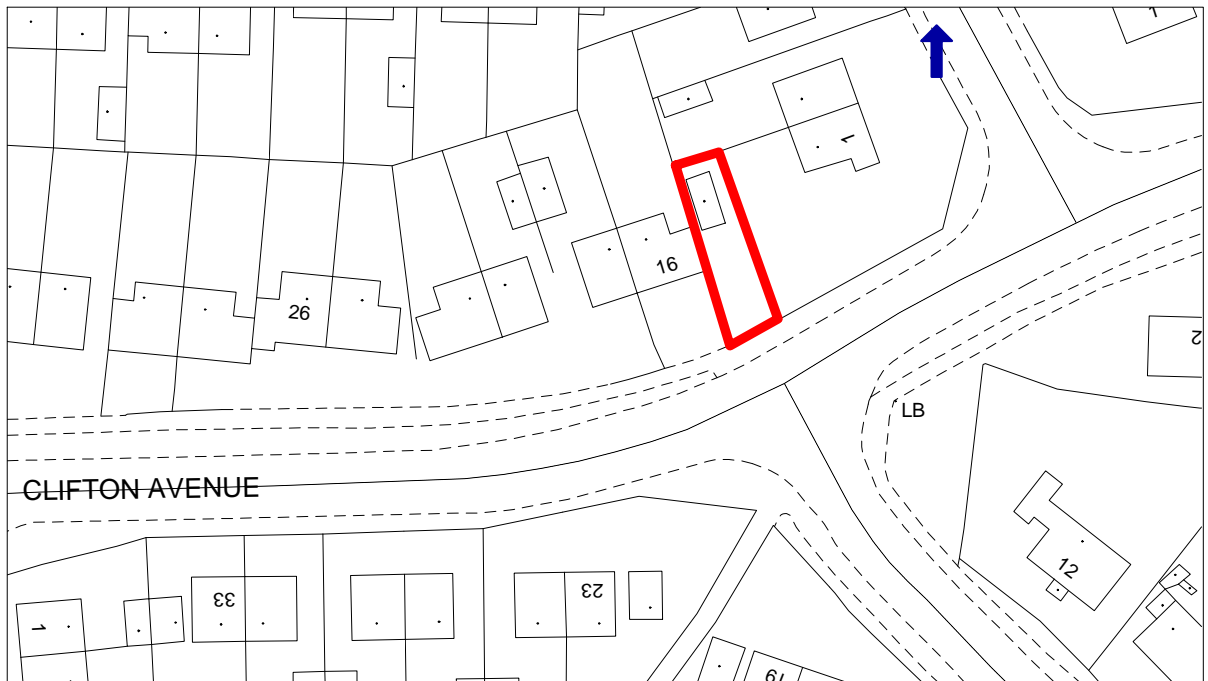


ITEM: 4

Application Number: 10/02122/FUL
Applicant: Mr & Mrs A Trim
Description of Application: Develop part of rear garden by erection of detached 2 bed dormer bungalow (demolition of existing private motor garage)
Type of Application: Full Application
Site Address: 1 ELFORD CRESCENT PLYMOUTH
Ward: Plympton St Mary
Valid Date of Application: 19/01/2011
8/13 Week Date: **16/03/2011**
Decision Category: Member/PCC Employee
Case Officer : Robert Heard
Recommendation: Refuse
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OFFICERS REPORT

Site Description

No 1 Elford Crescent is a semi detached residential property located in the Colebrook area of Plympton, occupying a large corner plot at the junction of Elford Crescent and Clifton Avenue. It is a 2 storey 1960s property finished in brick, being surrounded in the main by residential development from a similar era.

Proposal Description

It is proposed to sub divide the rear garden of no 1 Elford Crescent and demolish the existing private motor garage on the site in order to erect a detached dormer bungalow, fronting onto Clifton Avenue.

Relevant Planning History

10/00931/FUL - Develop part of rear garden by erection of detached two-storey dwelling (existing private motor garage to be repositioned to serve existing dwelling). WITHDRAWN.

Consultation Responses

Highway Authority

Support subject to conditions.

Public Protection Service

Support subject to conditions.

Representations

3 letters of representation received, objecting to the application on the following grounds:

1. The proposed dwelling will overlook the garden of No. 3 Elford Crescent
2. The proposed dwelling will block sunlight from the garden of No. 3 Elford Crescent.
3. The proposed dwelling will not have adequate parking or garden space.
4. The proposed development is garden grabbing.
5. The proposed dwelling is out of character with the existing development in the area.
6. The proposed development will put more pressure on road side parking in the area.

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.

As stated above, this application proposes to develop the rear garden of no. 1 Elford Crescent by erecting a single detached dormer bungalow fronting onto Clifton Avenue. The existing single private motor garage on the site is proposed to be demolished. It is considered that the main issues in the determination of this application are; the principle of development, impact upon visual amenity and the streetscene, residential amenity and parking and access issues.

Principle of Development and Garden Grabbing

In June 2010 the Government announced changes to Planning Policy Statement 3 (PPS3); Housing, which amongst other things changed the status of domestic gardens, taking gardens out of the definition of brownfield, or previously-developed land.

The policy guidance in PPS3 still prioritises development on previously developed land, but the changes remove the presumption in principle that gardens are within the priority category for redevelopment, making it easier for planning authorities to resist unsuitable development of gardens.

National and local policies do not rule out development on garden land. Any such developments will be determined in accordance with the policies in the Adopted Core Strategy, and other published guidance, and will continue to be dealt with on their individual merits, for example, taking into account the details of the scheme and its effect on the character and appearance of the area.

It is worthwhile noting that since 2006, only 2% of all dwellings (78 dwellings on 54 sites) completed in Plymouth have been on garden land, thus it has not been the major issue that it has been in other areas.

In this case, whilst the site is part of the rear garden of No. 1 Elford Crescent, it is a corner plot that is larger than other neighbouring residential plots. Given its location on a corner, with separate vehicular access from Clifton Avenue, your officers consider that this plot might be suitable for residential development, subject to other criteria such as impact upon visual and residential amenity. It is thus considered that this proposal can not exclusively depend on the ruling of PPS3 and therefore should not be resisted solely on this basis.

There are no policy constraints affecting the site, which is located in an established residential area. The proposal is therefore in keeping with the established land use.

Siting, Visual Amenity and the Streetscene

The proposed dwelling will be seen as part of the Clifton Avenue streetscene and will sit adjacent to no. 16 Clifton Avenue, ensuring that the proposed dwellings orientation respects the established layout of existing properties on Clifton Avenue.

The dwellings on this side of Clifton Avenue (the north side) that are closest to the site (16, 18, 22 and 24 Clifton Avenue) are semi detached dormer bungalows. The proposed dwelling has been designed to match the style and appearance of these existing dwellings and is thus a dormer bungalow that is very similar with regards to scale and materials to the existing dwellings. It is considered that this is the correct approach with regards to design and external appearance as it ensures that the proposed dwelling reflects the local context and sits comfortably within the streetscene on this part of Clifton Avenue.

The footprint, building line and fenestration detailing of the existing dwellings has been respected and the materials palette proposed emulates the palette of materials used on surrounding properties. The proposed dwelling is therefore considered to sit comfortably within the Clifton Avenue streetscene and is not considered to be harmful to local visual amenity.

Residential Amenity

The proposed dwelling will sit adjacent to No. 16 Clifton Avenue, and this is the closest dwelling to the site. It has been positioned so that with regards to layout, orientation and building line, it is almost identical to the other properties on Clifton Avenue. The separation distance between the side of the proposed dwelling and the side of number 16 is 2.2 metres, and this ensures that there is an adequate distance between the two properties, providing a footpath link from the front to the rear of the proposed dwelling. There are no windows in the side elevation of the proposed dwelling so there is no possibility of overlooking or loss of privacy to be caused from this elevation to 16 Clifton Avenue.

The rear dormer contains 3 windows, 2 are bathroom windows and proposed to be obscured and the third (and closes to 16 Clifton Avenue) is a dressing room window. Whilst the proposed dressing room window will overlook the rear garden of No.16 Clifton Avenue, this is not a private amenity area as it is already overlooked by dormer windows to the rear of no. 18 Clifton Avenue. It is thus considered that the proposed dwelling will not significantly harm the residential amenities enjoyed by the occupiers of no. 16 Clifton Avenue and will not create additional problems of over looking or loss of privacy.

No. 1 Elford Crescent is positioned to the east of the proposed dwelling but is oriented facing east and therefore turns its back on the site, fronting Elford Crescent and not Clifton Avenue like the proposed dwelling. The separation

distance between the rear of 1 Elford Crescent and the side of the proposed dwelling is 3.5 metres. This would create an awkward relationship between the proposed dwelling and 1 Elford Crescent, with the first floor windows of 1 Elford Crescent looking directly onto the rear garden and patio area of the new dwelling from a distance of only 3.5 metres. This is considered unacceptable and creates direct overlooking of an outdoor amenity area from an uncomfortably close distance. It should also be noted that the close proximity of 1 Elford Terrace to the proposed dwelling would create an uneasy sense of enclosure to the rear garden area of the proposed dwelling. With regards to impact upon 1 Elford Crescent, whilst there are no windows proposed in the east elevation of the proposed dwelling (which is the elevation that faces the rear of 1 Elford Crescent) and thus no loss of privacy, the close proximity of the proposed dwelling will create an uncomfortable relationship with 1 Elford Crescent and will appear dominant and overbearing to its rear and side garden.

No. 3 Elford Crescent adjoins no. 1 Elford Crescent and is a 2 storey semi detached dwelling. It is located to the north east of the site on slightly higher ground due to the topography in the area and is oriented facing east, unlike the proposed dwelling which faces south onto Clifton Avenue. At its closest point (taken at ground floor level from the north east corner of the proposed dwelling) the separation distance from the rear elevation of No. 3 Elford Crescent is 6.5 metres. Whilst the proposed dwelling is oriented to face south, its rear elevation directly overlooks the rear garden area of No.3 Elford Crescent. The distance between the rear elevation of the proposed dwelling and the boundary with the garden of 3 Elford Crescent is 5 metres. Whilst 2 out of the 3 windows on the rear dormer window of the proposed dwelling are obscure glazed, it is considered that the close proximity of the dormer will cause harm to the amenities of 3 Elford Crescent due to the perception of overlooking and dominance that the proposed dwelling will have on 3 Elford Crescent, particularly its rear garden area.

In summary, it is considered that the proposed dwelling would cause significant harm to the amenities of 3 Elford Crescent, and that any future occupiers of the proposed dwelling would suffer from compromised amenity due to the close proximity of 1 Elford Crescent. The application is therefore in conflict with Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Parking and Access Issues

The application proposes to utilise the existing driveway to No.1 Elford Crescent as the vehicular access for the new dwelling, providing 1 off street vehicular parking space. A new vehicular access is proposed to serve the existing dwelling (1 Elford Crescent) from Clifton Avenue, providing two parking spaces and a turning area for this property. There are no parking restrictions in the area and plenty of on street parking is available.

The Highways Officer has been consulted and is supportive of the proposal, subject to conditions and an informative.

Letters of Representation

As stated above in the representations section of this report, 3 letters of objection have been received to date. The issues raised, which are also listed above in the representations section, are discussed above in the relevant sections in the Analysis part of this report.

Section 106 Obligations

The Local Development Framework Planning Obligations and Affordable Housing Supplementary Planning Document adopted August 2010 and associated Market Recovery Scheme 2010/2011 confirms that the tariff seeks to address the net increase in impact arising from development and no tariff is charged for developments of less than five homes. Therefore given that a net increase of only one home is proposed, no financial contribution is sought in this case.

Equalities & Diversities issues

No additional issues to be discussed here.

Conclusions

Whilst the principle of the development is deemed acceptable by officers, it is considered that the proposed dwelling would impact significantly on the residential amenity of 3 Elford Crescent and would create an unacceptable relationship with 1 Elford Crescent, due to the close proximity and orientation of this dwelling. For these reasons it is recommended that this application be refused.

Recommendation

In respect of the application dated **19/01/2011** and the submitted drawings, **3669, 3669.01, 3669.02, 3669.05, 3669.06 and accompanying Design and Access Statement** it is recommended to: **Refuse**

Reasons for Refusal

OVERBEARING

(1) The Local Planning Authority considers that the proposed dwelling will be overbearing and create problems of amenity conflict, particularly with regards to loss of privacy and perception of overlooking, and would dominate the rear garden area of no. 3 Elford Crescent. This is considered to be unacceptable, causing significant harm to residential amenity. The application is therefore contrary to policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the Council's Development Guidelines Supplementary Planning Document (SPD).

POOR LIVING CONDITIONS

(2) The Local Planning Authority considers that the location and orientation of the proposed dwelling would create an awkward relationship with no. 1 Elford Crescent, and that this would cause the amenities of the proposed dwelling to be significantly compromised, creating poor living conditions for future occupiers. The proposed dwelling will also appear dominant and overbearing

when viewed from the rear and side garden of 1 Elford Crescent and would thus compromise this properties living conditions. The application is therefore contrary to policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the Council's Development Guidelines Supplementary Planning Document (SPD).

Relevant Policies

The following (1) 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, were taken into account in determining this application:

PPS3 - Housing
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS02 - Design