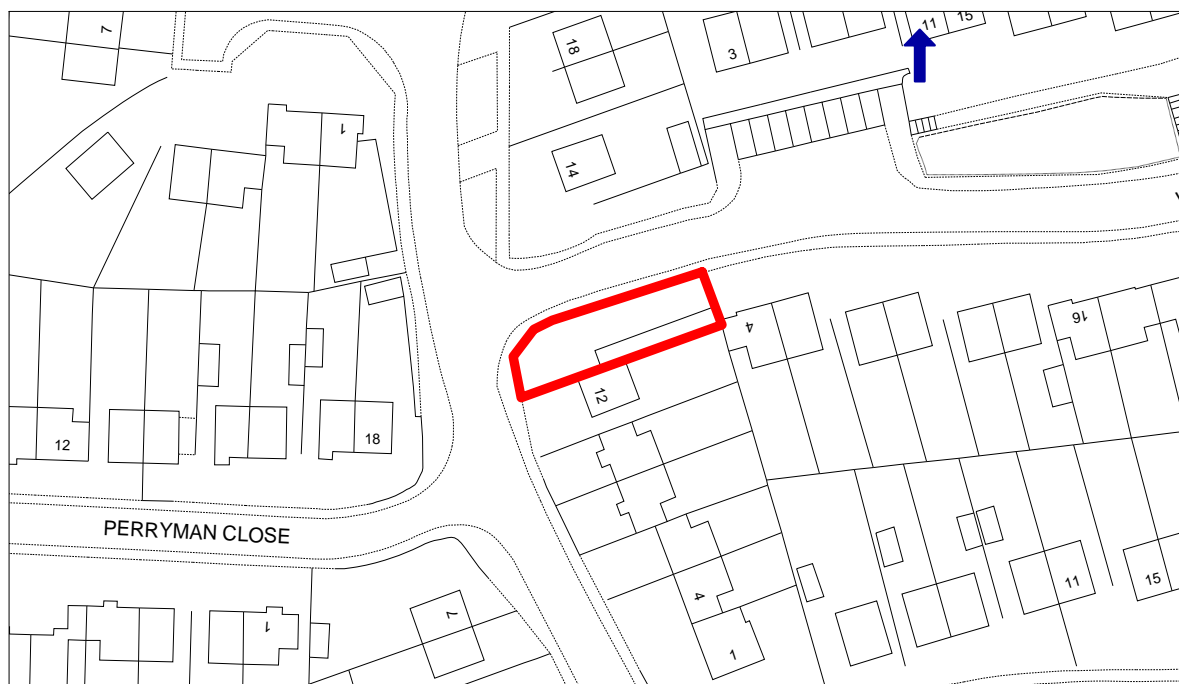


PLANNING APPLICATION REPORT



ITEM: 05

Application Number: I1/00282/FUL
Applicant: Mr Phil Chevis
Description of Application: Erection of two -storey detached dwelling
Type of Application: Full Application
Site Address: 12 ELFORD CRESCENT PLYMOUTH
Ward: Plympton St Mary
Valid Date of Application: 23/02/2011
8/13 Week Date: **20/04/2011**
Decision Category: Delegated
Case Officer : Jon Fox
Recommendation: Grant Conditionally
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This application is being reported to members as a result of a referral by Councillor David James on the grounds of highway safety, the impact on the appearance of the estate and inappropriate development of garden land.

Site Description

The dwelling at 12 Elford Crescent is a detached, two-storey house situated on a roughly rectangular plot situated on the southern side of the junction between Elford Crescent and Waddon Close. The existing building is positioned approximately 8.6 metres from Elford Crescent, which is the fronting road, and approximately 9 metres from the side road. The site slopes upwards from south to north, towards Waddon Close. A fence and high hedge screens the rear half of the site from the road.

Proposal Description

Erection of two -storey detached dwelling.

Relevant Planning History

10/01961 - Erection of two-storey detached dwelling. The proposed building would have been positioned approximately in line with the front of the existing building and was proposed to be approximately 1.05 metres from the back edge of footway in Waddon Close. The building would have been approximately 700mm higher than No.12. This application was refused for the following reason:

(1) The Local Planning Authority considers that the proximity of the proposed dwelling to Waddon Close and its height, design and elevated position above the host dwelling at 12 Elford Crescent is at odds with the street pattern of surrounding development, which maintains a much more significant set back from the road. The position of the dwelling would appear unduly intrusive in the street scene and be incompatible with its surroundings in terms of siting, layout, visual impact and local context. The visual impact of the relatively blank brick wall would exacerbate the uncharacteristic visual impact of the building in the street scene and as such the development would not contribute positively to the townscape. For these reasons the proposals are considered to be demonstrably harmful to the character and appearance of the area, contrary to policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and to the Development Guidelines Supplementary Planning Document 2009.

Consultation Responses

Highway Authority

No objections subject to conditions relating to car parking provision and sight lines.

Public Protection Service

Do not wish to comment on this application.

Representations

Seven letters were received, which raise the following objections:

1. Permission was refused for an enlarged garage at No1. Deeble Close, so how can permission be given for a house on this site?
2. This is garden-grabbing, which is against Conservative policy.
3. It would spoil an established and well-spaced locality.
4. Loss of wildlife habitat and green space.
5. The side of the property is still too close to Waddon Close and would be out of character with other corner properties.
6. The exterior appearance would be out of character with other corner houses, which have distinctive features.
7. It would be too close to the existing property and would alter the concept of detached houses in the area.
8. From Elford Crescent it will look squeezed into the plot, to the detriment of the street scene.
9. Parking on Waddon Close/Elford Crescent junction will be a hazard.
10. There would be a dangerous drop from the top of the fence and the side. The steps also look dangerous.
11. The houses would appear too close together, the eaves almost touch, and would be out of character. This would also create maintenance problems.
12. The development would encourage parking on the junction, which would be dangerous.
13. If permission is granted it will set a precedent for other development of corner plots that will change the open feeling of the estate.
14. Parking will cause access problems for No.14 Elford Crescent.
15. Traffic generation and any impact through noise and odour.
16. Loss of daylight/sunlight, privacy, and proximity of buildings to living areas.
17. Loss of views/vistas, trees, hedgerows and community facilities.
18. There has already been an impact with the removal of front garden hedges.
19. How will the retaining walls affect 4 Waddon Close? Will the proposed parking spaces be above the parking spaces at 4 Waddon Close? Will the new dropped kerbs allow more water to flow down No.4's drive? Could there be a space between the new parking spaces and those at No.4, which would allow an area of raised kerb between them?
20. Trees at the front of the property were removed.
21. The proposed wall/fence adjacent to Waddon Close will set a precedent; other 1.8 metre high fences on the estate have been refused.

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 application turns on policies CS02 (Design), CS15 (Housing Provision), CS28 (Transport Considerations) and CS34 (Planning Application Considerations) and the main issues are the impact of the development on the street scene and the character

and appearance of the area, as identified in the previously refused planning application.

With regard to the impact on the character and appearance of the area, paragraph 3 of policy CS02 states that development should contribute positively to an area's identity and heritage in terms of scale, density, layout and access, and the text to this policy states that design is also about the spaces within which the development sits and the quality of the relationships between the development and surrounding areas. Considerations in policy CS34 include whether the development positively contributes to the townscape and whether it is compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing. SPD1 refers to the varied characteristics of Plymouth's neighbourhoods and the need for development to reflect local distinctiveness, including urban setting, density, scale and layout. The SPD states that new development should normally reflect the existing scale and massing of its surroundings. The existing block sizes, plot sizes, and street patterns should influence the layout.

In this case the applicant's agent met with the planning officer following the recent refusal and, based on these informal discussions, the new application was submitted. The main differences are that the new proposals show the house situated approximately 2.45 metres away from the back edge of footway in Waddon Close and the building would also be approximately level with the house at No.12. This compares with a 1.05 metres set-back from the back edge of footway in Waddon Close and a difference in height between the two buildings of approximately 700mm (higher than No.12. The proposed house is also in line with that at No.12 and would be set below the level of the footway in Waddon Close by more than a metre. In these circumstances it is considered that the proposals significantly reduce the impact of the development in the street scene to the point where it would be difficult to resist it. Although the house is still within three metres of the footway, which is the minimum distance recommended in Development Guidelines Supplementary Planning Document 2009 (SPD1) in relation to development on corner plots, it is considered that the combination of the 2.45 metre gap and the lower level of the house are sufficient. The northern, flank, wall of the proposed house is similar to that previously proposed and while it would appear relatively blank, the lower level of the house and increased set back would effectively reduce the impact of the wall in the street scene. For these reasons it is considered that the new proposals overcome the previous refusal reason and are in accordance with policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

With regard to other matters raised in letters of representation: the issue of precedents can be a material consideration, but each planning case is considered on its merits and the specific issues in this case have been assessed against relevant planning policies; 'garden-grabbing' is a term that reflects the government's changed stance towards development proposals affecting garden land, but is not a presumption against such development; the wildlife interest on the plot is not considered to be significant; the perceived dangerous drops are matters for building control; there is considered to be no significant impact on daylight/sunlight and privacy; the construction of the footway crossover, to serve the proposed parking

spaces, is a matter for the Highway Authority (the potential change in level between the two properties can be the subject of a condition on boundary treatments; the proposed wall/fence adjacent to Waddon Close is considered to be set back far enough from the junction so as to avoid being visually intrusive, although there would presumably have to be a barrier at the back edge of the landscaped area and these details could be part of the boundary treatment condition; the loss of view has also been cited, but this is not a planning matter. There are concerns on highway grounds, but the parking arrangement is similar in nature to other properties in the street and is satisfactory in terms of its distance from the nearby junction. The proposal will result in the loss of a short section of kerbside parking however there is sufficient off street parking available for existing properties along the street and this will not have a significant impact. Concern has been raised with regard to the relationship between the two proposed parking spaces and those at No.4 Waddon Close.

Section 106 Obligations

None.

Equalities & Diversities issues

None.

Conclusions

The proposals are considered to have overcome the previous reason for resisting the development, which, subject to conditions is recommended for approval.

Recommendation

In respect of the application dated **23/02/2011** and the submitted drawings The consultation period has been extended by a further 21 days due to original notifications sent on 2 March 2011 not reaching all intended recipients

P420-01, P420-02E, P420-03a 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.

CAR PARKING PROVISION

(2) The development shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for a maximum of 2 cars to be parked.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

SIGHT LINES

(3) Details of the intervisibility to be provided at the junction between the driveway and the highway shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of safety of users of the highway, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

NO ADDITIONAL WINDOWS AND DOORS

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification) and Class A of Part I of the Schedule to that order, no further windows, external doors or other external openings (additional to those hereby approved) shall at any time be provided in the dwelling hereby permitted.

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), or C (any other alteration to the roof of a dwellinghouse) of Part I of the Schedule to that order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to preserve residential amenity and the visual qualities of the areas, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

(6) Notwithstanding the submitted plans no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including details of the boundary between the parking spaces and No.4 waddon Close. The boundary treatment shall be completed before the permitted dwelling is first occupied and the development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity and in the interests of amenity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - DROPPED KERBS

(1) Before the parking spaces are brought into use, it will be necessary to secure dropped kerbs with the consent of the Local Highway Authority. The developer should contact the Technical Consultancy of Plymouth City Council for advice on this matter before any work is commenced.

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 on the street scene and 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:

CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines