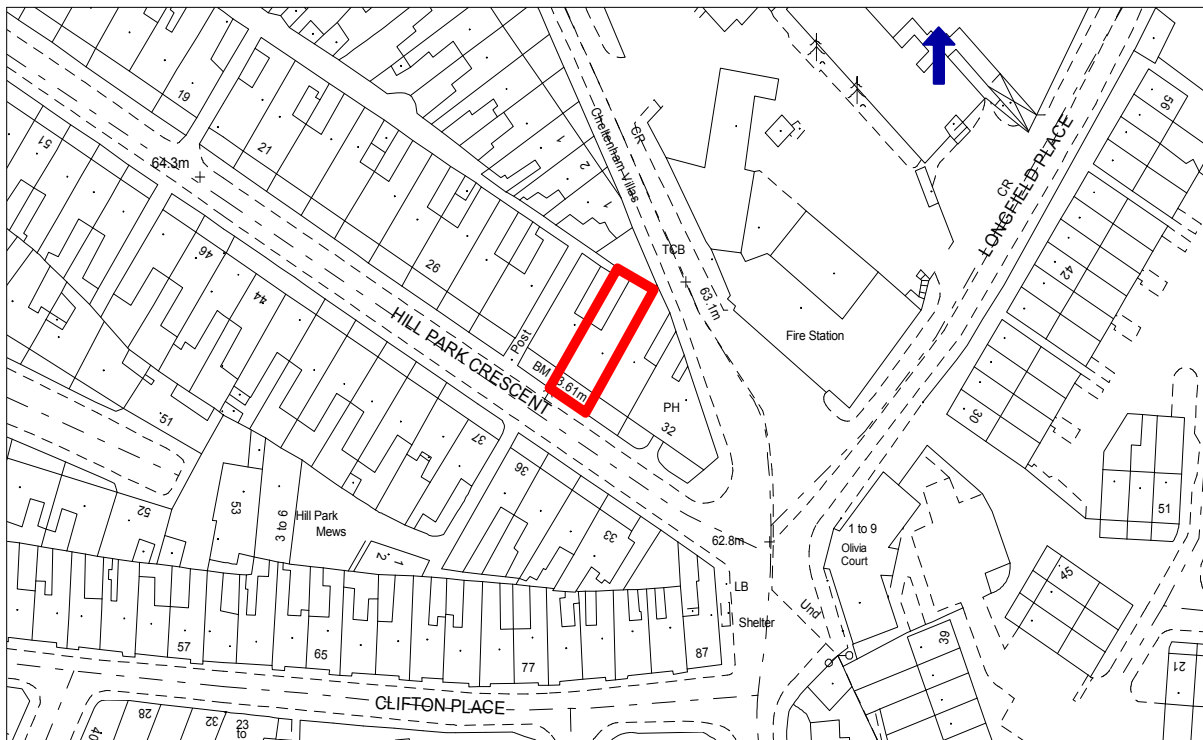


# PLANNING APPLICATION REPORT



**ITEM: 07**

<b>Application Number:</b>	11/00829/FUL
<b>Applicant:</b>	Amber New Homes
<b>Description of Application:</b>	Retention of extension to rear tenement to provide additional living accommodation for Flat 4
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	30 HILL PARK CRESCENT PLYMOUTH
<b>Ward:</b>	Drake
<b>Valid Date of Application:</b>	20/05/2011
<b>8/13 Week Date:</b>	<b>15/07/2011</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Paul Steen
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



## Officer Report

**This application is being considered by Planning Committee as a result of a Member referral by Councillor Steve Ricketts. This ward councillor is concerned about sustainability, neighbour impact, concerns on planning status of property, and development undertaken before permission sought.**

### Site Description

30 Hill Park Crescent is a mid terrace property situated in the North Hill area of the city. The property is at the eastern end of Hill Park Crescent and is used as shared accommodation/house in multiple occupation, in the form of four non self contained flats. There is a local distributor road, Greenbank Road, immediately beyond the rear garden of the property.

### Proposal Description

The application seeks planning permission retrospectively to retain the extension to the rear tenement of the property, comprising of an increase in roof height, to provide additional living accommodation for flat 4. The extension measures approximately 8 metres by 4 metres, and comprises of a bedroom and en-suite bathroom.

### Relevant Planning History

10/01963/OPR - Planning compliance investigation into use of property and alterations to rear tenement including raising height of roof – Opened 16/11/10

10/02125/OPR – Extension to existing two storey rear tenement – Withdrawn – 27 January 2011.

11/00335/EXUS - Use of property as house in multiple occupation consisting of four non self-contained flats – Certificate of lawful use issued – 20 April 2011.

### Consultation Responses

Public Protection Service – No objection

Highway Authority – No objection

### Representations

One letter of representation has been submitted, expressing objection to the application on the following grounds;

- Already too many flat and bed-sit conversions in this area.
- There is insufficient parking in the area, and illegal parking.
- Residents of this type tend to be temporary, will lead to increase in overfilling of rubbish bins and noise.
- Objector had application refused for similar grounds, as detailed above.

### Analysis

The application stands to be determined primarily on Policy CS34 (Planning Application Considerations) of the Adopted Local Development Framework Core Strategy 2006-2021, and the relevant sections of the Development Guidelines Supplementary Planning Document (SPD).

The extension has been constructed above the existing rear tenement and increases the height of the rear tenement by approximately 2 metres. The rear tenement of this property therefore stands at the same height of the adjoining tenement at 31 Hill Park Crescent. Consequently, the increase in height is not considered to affect 31 Hill Park Crescent.

29 Hill Park Crescent is the adjacent neighbouring premises to the north west of the application site. The rear tenement at 29 Hill Park Crescent stands approximately 6 metres from the rear tenement of the application site. The extension may well result in some shadowing however, it is not considered that the increase in height of the rear tenement is sufficiently detrimental in terms of loss of light and outlook to warrant refusal.

In consideration of privacy, the extension has resulted in the installation of a new bedroom window, overlooking 27 Hill Park Crescent; if approved, it is recommended that a planning condition be imposed to ensure that the new bedroom window at second floor level in the west elevation is to comprise of fixed obscured glazing up to a height of 1.7metres from floor level.

The extension will utilise matching materials and will not appear out of character.

The application has attracted one letter of objection. The points raised by the objector above have been given consideration; however; it is not thought that the addition of one bedroom will cause sufficient demonstrable harm in terms of parking issues and noise to warrant refusal of planning permission. The responses of both the Public Protection Service and Highway Authority were noted in this respect.

Two points in the letter are not material planning considerations to be taken into account in determining this application, namely increase in refuse, and the fact that the objector had an application to convert a property in the immediate vicinity refused.

The use of the premises has been regularised under application ref: 11/00335/EXUS for a Certificate of Lawful Existing Use of the property as a house in multiple occupation consisting of four non self-contained flats. Following consideration of the evidence provided, including by Legal Services, the certificate was issued. Since that time, the issuing of the certificate has been questioned, on the basis that the evidence supplied was fraudulent. In response, the Council have advised that such allegations could only reasonably be investigated if evidence is provided. To date, no such evidence has been forthcoming.

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.

## **Section 106 Obligations**

N/A

## **Equalities & Diversities issues**

N/A

## **Conclusions**

Subject to a condition requiring the installation of fixed obscured glazing up to a height of 1.7 metres above floor level to the new bedroom window at second floor level on the west elevation of the rear tenement, the development is considered to be acceptable, and is therefore recommended for conditional approval.

## **Recommendation**

In respect of the application dated **20/05/2011** and the submitted drawings AL01, AL02, AL03, AL04, AL05, AL06, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

## **Conditions**

### **APPROVED PLANS**

(1) This permission relates to the following approved plans: AL01, AL02, AL03, AL04, AL05, AL06.

### **Reason:**

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **OBSCURE GLAZING**

(2) The side facing windows shall contain fixed and obscured glazing up to a height of 1.7 metres above floor level. Details of the type of obscured glazing, design and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme to be implemented within three months of the date of this notice, and retained in place at all times thereafter.

### **Reason:**

In the interests of privacy and in accordance with Policy CS34 of the Local Development Framework Core Strategy 2007.

## **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 amenity of neighbouring properties and effect on visual amenity, 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  
SPDI - Development Guidelines