

# PLANNING APPLICATION REPORT



**ITEM: 05**

**Application Number:** 11/01822/OUT

**Applicant:** Dr Kathryn Woolaway

**Description of Application:** Outline application for erection of single-storey dwelling and attached garage

**Type of Application:** Outline Application

**Site Address:** 39 MERAFIELD ROAD PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 10/11/2011

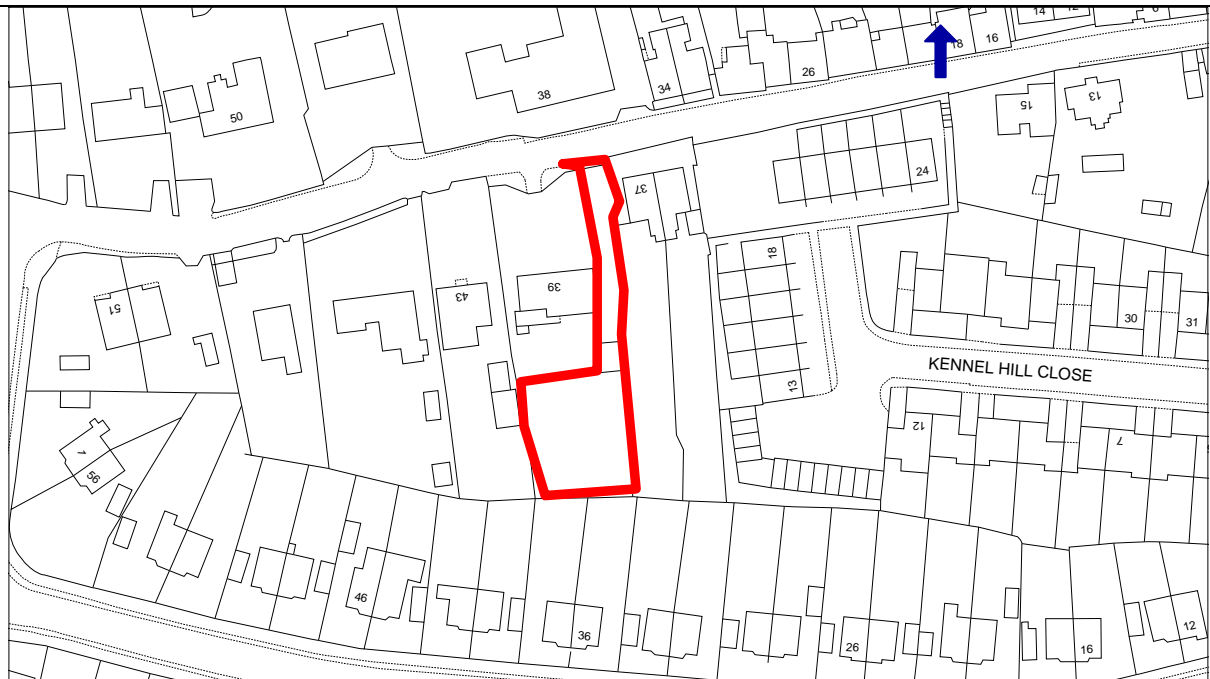
**8/13 Week Date:** **05/01/2012**

**Decision Category:** Member Referral

**Case Officer :** Jon Fox

**Recommendation:** Refuse

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**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 over-development of garden land, access to the site and the development not being in keeping with the historical area**

### **Site Description**

The site is the rear garden of 39 Merafield Road, which is a detached bungalow located on the southern side of the road, opposite Lamspark Care Home. The site is bounded to the west by the garden of the detached house at 43 Merafield Road (that contains a large summer house towards the rear of the garden) and to the east by the long rear garden of No.37. The site is bounded to the south by the rear gardens of semi-detached houses in Merafield Drive, which are situated approximately two metres above the site. The site slopes up appreciably towards the rear.

### **Proposal Description**

Outline application for erection of single-storey dwelling and attached garage. The maximum dimensions for the proposed dwelling are:

House: 13.0m(w) x 10.0m(d) x 6.75m(h)  
Garage: 3.0m(w) x 6.0m(d) x 6.75m(h)

The minimum dimensions for the proposed dwelling are:

House: 11.5m(w) x 8.5m(d) x 4.0m(h)  
Garage: 3.0m(w) x 6.0m(d) x 2.0m(h)

The submitted indicative site plan shows the outline of a dwelling and attached garage on the site, which appears to be a combination of the maximum and minimum dimensions above. However, the drawing, which is given to be at a scale of 1:500, does not match the same site dimensions of a 1:500 scale plan produced from the Council's GGP mapping system.

### **Relevant Planning History**

None. The applicant was given pre-application advice regarding a proposal to build a bungalow in the garden of 39 Merafield Road. The applicant was advised that back garden proposals such as these are more robustly challenged following the change in Government policy on garden development and that the proposed scheme appears too large for the site; therefore an outline application was suggested as a way of testing the proposal.

### **Consultation Responses**

#### **Transport**

The Transport and Highways Service view is that although the principle of constructing a dwelling on the plot could be acceptable the applicant has failed to demonstrate that a suitable access for a private drive can be achieved.

Transport considers that in order to gain access to the rear of the donor property, and subsequently to the new dwelling, the existing drive will need to be extended.

This will result in the loss of a garage and no details as to the relocation of this loss of parking have been provided. Transport states that a scheme would be required where the donor property has an amended parking area and the new dwelling has suitable parking and access arrangements.

Transport's suggestion is that the existing drive could be shared between the donor and the new properties. Parking can be provided at the front of the donor house, to overcome any loss of parking issues, and further provision at the rear for the new dwelling. Transport also state that as this would involve works outside of the red line boundary any conditions to this effect would be ultra-vires.

Transport also highlights that there is an exiting electricity/ telegraph pole which would possibly have to be relocated.

### **Public Protection Service**

No objections.

### **Representations**

The resident of 38 Merafield Drive objects citing that the new property would back directly onto their garden.

The resident of 37 Merafield Road objects on the grounds that:

1. The road is already congested with traffic, there is no pathway outside their house and the proposed entrance would be dangerous.
2. Too many green areas and gardens are being taken up.
3. It would be an eyesore.
4. The gardens have agricultural rights and may have tree preservation orders.

The resident of 43 Merafield Road objects on the grounds that:

1. This property has never been a double plot (as mentioned in the application)
2. The design would be detrimental if based, as mentioned in the application, on the design of the existing dwelling because the existing property is in disrepair, unattractive and unsympathetic to its neighbouring properties
3. A dwelling on this plot would be overdevelopment as neither property would have adequate outdoor living space
4. Loss of privacy and sunlight to the top of the garden.
5. The site's level is elevated and would be in line with upper floors in No.43 and would look directly into both floors of the property.
6. The driveway is opposite Lambspark Care Home and is narrow and would have poor visibility and would be difficult to turn into.

The resident of 47 Merafield Road objects on the grounds that:

1. The building is entirely inappropriate for the site concerned.
2. The reference to a double plot (it is suggested by the objector) is a reference to two semi-detached houses similar to those existing on the immediate easterly sites. This would seem to be more appropriate.
3. The access is at the narrowest part of Merafield Road, where vehicles are almost always parked on the northern side of the road thus reducing ability to enter or leave the site easily. The roadside adjoining the entry/exit of the proposed drive is effectively used as a single way traffic in either direction.

4. Vision to the east of the site is very restricted due to the height of the retaining walls of the neighbouring premises.

## **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 main planning issues in this case are the impacts on highway safety and convenience; the amenities of neighbours and the character and appearance of the area. The relevant policies of the Core Strategy of Plymouth's Local Development Framework 2007 are CS02 (design), CS15 (housing), CS28 (transport considerations) and CS34 (planning application considerations). The Council's Development Guidelines Supplementary Planning Document 2009 includes guidance on separation distances between dwellings and amounts of amenity space for detached houses.

## **Highways**

With regard to highways matters, there is a fundamental objection to the proposed access point in that the applicant has failed to demonstrate that a suitable access for a private drive can be achieved. There is also no indication of how and where parking would be provided for the existing dwelling and any new layout would need to demonstrate suitable parking and access arrangements for the new dwelling. For these reasons officers consider that the proposals should be recommended for refusal.

## **Impact on neighbours**

With regard to the impact on neighbours, the smallest dimensions of the proposed dwelling are considered to sit reasonably comfortably within the confines of the site. The dwelling would be single storey and would be dug into the site, possibly down to the level of the bottom of the existing swimming pool. Together with a hipped roof it is considered that a dwelling of this size would not be overbearing or dominant when viewed from the garden and houses at Nos.37 and 43 Merafield Road and the houses in Merafield Drive, which are at a significantly higher level than the application site. The main windows in the dwelling would be facing the existing bungalow at No.39 and the houses to the rear. The houses to the rear would be over 21 metres from the proposed bungalow and would be at a higher level and as such would not be overlooked significantly. The front facing windows would overlook the host dwelling, but a conventional two metre fence would adequately screen it from overlooking. The house at 43 Merafield Road would be overlooked to a degree from new windows, but these could be positioned at a reasonable distance from the side of the dwelling and, due to the digging in of the proposed building, would not

lead to an unreasonable loss of privacy. There would also be an impact on the amenities of No.37 Merafield Road from the use of the proposed driveway. However, the side of that property has a gabled end with no windows and as such would not be significantly affected by the vehicles accessing the site. On balance officers consider that the proposals are not harmful to neighbours' amenities and are in accordance with policies CS15 and CS34.

### **Character**

With regard to character, the site is located within a run of eight properties situated between a run of terraced houses to the east, in Kennel Hill, and Merafield Rise, to the west. Only the middle four of these properties have similar looking plots in terms of their depth and width. Developing the application site, which is the easternmost of these four, is not considered to be harmful to the character of the area, which includes a number of backland developments and a characteristically varied pattern of development. The proposed bungalow would be in keeping with the host dwelling but out of character with surrounding houses. However, this is not considered by officers to be a significant issue given the variety of house types in the area. In this regard to the proposals are not considered to conflict with policies CS02 and CS34.

### **Principle of development**

With regard to the principle of developing garden plots, the Planning Inspector has opined recently, in respect of application 10/00711 – land to the rear of 7-11 Underwood Road – that: “Planning Policy Statement 3: Housing, has been amended so that its definition of previously-developed land now excludes private residential gardens. However, Core Strategy policies CS02 and CS34 do not distinguish between previously-developed and other land and have been used by the local planning authority (LPA) to refuse applications where garden development has seriously affected the character of the area. In relation to the appeal proposal, therefore, this change to PPS3 is not of particular significance”. In light of this stance it is considered by officers that the loss of garden land per se is not a sustainable reason to resist the proposed development.

One of the letters of representation argues that the two dwellings would have inadequate outside amenity space, which is 100m<sup>2</sup> according to the Development Guidelines. Both dwellings would have at least this much space. Another letter refers to the double plot as more likely being a reference to two semi-detached houses; however the Local Planning Authority has to determine the appropriateness of the backland development that is before it for consideration.

### **Section 106 Obligations**

The proposals do not require mitigation under Section 106 of the Planning Act.

### **Equalities & Diversities issues**

The proposals do not raise any equality and diversity issues.

## Conclusions

The proposals are considered to be acceptable in terms of the impact on neighbours' amenities and the character and appearance of the area, providing the smaller dimensions are followed. The larger dimensions are likely to cause problems of overdevelopment including harmful impacts on neighbours. To this end the submitted indicative site plan would not be acceptable. The critical issue is that the proposed access is unacceptable in highways terms and the proposals are therefore recommended for refusal.

## Recommendation

In respect of the application dated **10/11/2011** and the submitted drawings OS location plan, 1:500 scale indicative site layout plan, phase I desk study report and accompanying design and access statement, it is recommended to: **Refuse**

## Reasons for Refusal

### INADEQUATE SITE

(1) The Local Planning Authority considers that the site is of an inadequate size to accommodate the development proposed to a standard that would comply with the Highway Authority's' planning requirements. The proposal would likely prejudice public safety and convenience and give rise to issues of highway safety, which is contrary to policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

### LOSS OF CAR PARKING

(2) The proposal will result in the loss of the existing off-street car parking area serving (39 Merafield Road). The applicant has not demonstrated that these spaces are no longer required and the proposal could therefore lead to further vehicles parking on-street, giving rise to conditions likely to cause:

a- Damage to amenity

b- Prejudice to public safety and convenience

c- Interference with the free flow of traffic on the highway, which is contrary to Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 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 (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:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS02 - Design

CS15 - Housing Provision  
SPDI - Development Guidelines  
NPPF - Draft National Planning Policy Framework 2011