

PLANNING APPLICATION REPORT



ITEM: 01

Application Number: 12/00169/OUT

Applicant: Dr Kathryn Woolaway

Description of Application: Outline application for erection of single-storey dwelling with attached single garage and provision of parking spaces forward of existing dwelling

Type of Application: Outline Application

Site Address: 39 MERAFIELD ROAD PLYMPTON PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 14/02/2012

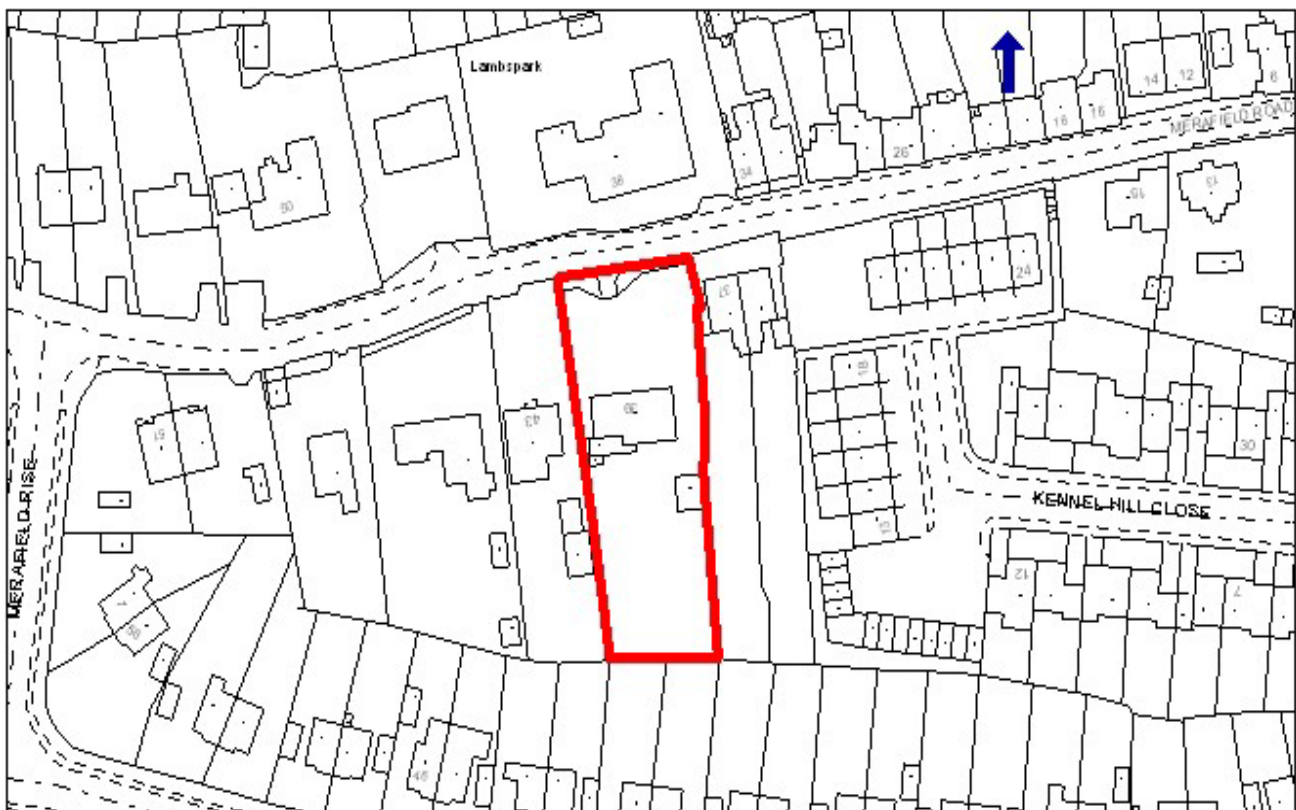
8/13 Week Date: 10/04/2012

Decision Category: Member Referral

Case Officer : Jon Fox

Recommendation: Grant Conditionally

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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 space, highway issues and lack of parking provision

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 Lambspark 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 with attached single garage and provision of parking spaces forward of existing dwelling. The maximum and minimum dimensions for the proposed dwelling are:

Maximum:

house: 11.5m (w) x 8.5m (d) x 4m (h)

garage: 3m (w) x 6m (d) x 3m (h)

Minimum:

house: 10.5m (w) x 7.5m (d) x 4m (h)

garage: 3m (w) x 6m (d) x 2m (h)

The submitted indicative site plan shows the position of a dwelling and attached garage on the site. All detailed matters are reserved (i.e. do not form part of the current application) and the current application is therefore in respect of the principle of the development.

Pre-Application Enquiry

This application has been submitted as a result of discussions with the Local Planning Authority following the refusal of application 11/01822 for a similar development. It was agreed informally that shared use of the existing driveway and provision of separate parking spaces, for the existing and proposed dwellings, would overcome the previous highway objections in principle.

Relevant Planning History

11/01822/OUT - Outline application for erection of single-storey dwelling and attached garage.

The maximum dimensions were:

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 were:
house: 11.5m (w) x 8.5m (d) x 4.0m (h)
garage: 3.0m (w) x 6.0m (d) x 2.0m (h)

This application was refused for the following reasons:

(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.

(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.

Consultation Responses

Transport

The Council's Highways and Transport Service states that the principle of constructing a dwelling in the grounds of the donor property was accepted during the earlier application but it was considered that a separate, suitable, access could not be provided to comply with the Highway Authorities requirements in terms of visibility and gradient. The applicants were advised that the existing private drive, currently serving the donor property, could be used to serve a second dwelling. Separate parking and turning provision would be required and these existing facilities should be retained or replaced to serve the donor property.

The Council's Highways and Transport Service states that to this end the applicant has demonstrated that parking and turning can be provided for each dwelling on the site. These can be accessed independently of each other from the private drive. A hard-standing, car port or garage will be acceptable on the site in order to achieve the parking requirements. 2 spaces per dwelling will be required.

The Council's Highways and Transport Service notes that all matters are reserved for future consideration so conditions will need to be attached to any grant of consent to agree the layout of the parking and turning facilities and then to secure the construction of the same prior to occupation of the new dwelling.

Public Protection Service

No objections subject to conditions on land quality.

Representations

Two letters were received. The occupiers of 43 Merafield Road, which is the adjoining property to the west, object on the grounds that:

1. There is a lack of detailed plans.
2. This property has never been a double plot (as mentioned in the application)
3. 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.
4. One of the previous reasons for refusal states: "The Local Planning Authority considers that the site is of an inadequate size to accommodate the development proposed "The new application still states exactly the same sizes for the proposed dwelling.
5. A dwelling on this plot would be overdevelopment as neither property would have adequate outdoor living space.
6. If approved this would set a precedent to similar development on house plots in the area, which would add to highway congestion and alter the character of the area.
7. Loss of privacy to the property and garden.
8. 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.
9. Changing the plans from a separate to a shared drive would still pose a direct hazard to the narrow main road through this part of Plympton. This is because the shared drive would still carry the same volume of traffic as two separate drives.
10. The driveway entrance is directly opposite Lambspark Care Home's main entrance, which is regularly used with access required at all times. To encourage further use with additional vehicles would pose a safety issue, as the drive entrance would be narrow and difficult to see on coming traffic from and the approach would be sharp to turn into with a steep gradient.

The occupier of 38 Merafield Drive, to the rear of the site, objects because this has been proposed before and refused as it is "garden grabbing" building on the rear garden.

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.

The application is considered having regard to relevant national policies and guidance, as well as taking account of the National Planning Policy Framework.

Highways

With regard to highways matters, the proposed new shared driveway alleviates the difficulties of the previous, separate driveway and the revised layout accommodates sufficient parking for the existing and proposed dwellings. In this regard officers consider that the proposals overcome previous highway reasons for refusal and are in accordance with policies CS28 and CS34.

Impact on neighbours

With regard to the impact on neighbours, the proposed maximum and minimum dimensions of the proposed dwelling were revised to allow the Council to consider in this outline application "in principle" size parameters put forward by the applicant in relation to the upper and lower limits. The dimensions of the 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 by officers 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 not now be an impact on the amenities of No.37 Merafield Road from the use of the proposed driveway, although the proposed new parking area is near to their boundary. 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. Officers consider that 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 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 100m² according to the Development Guidelines. Both dwellings would have at least this much space.

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, and now overcome the previous reasons for refusal on highway grounds. It is therefore recommended that permission be granted subject to conditions.

Recommendation

In respect of the application dated **14/02/2012** and the submitted drawings OS location plan, 1:500 scale indicative site layout plan, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

Conditions

APPROVAL OF RESERVED MATTERS

(1) Approval of the details of the layout, scale, appearance, access and landscaping of the dwellinghouses (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

SUBMISSION OF RESERVED MATTERS

(2) Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

TIME LIMIT FOR SUBMISSION OF RESERVED MATTERS

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

APPROVED PLANS

(5) This permission relates to the following approved plans: OS location plan and 1:500 scale indicative site layout plan.

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.

CODE OF PRACTICE

(6) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads, the

control of dust and the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 11 has been complied with in relation to that contamination.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SITE CHARACTERISATION

(8) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SUBMISSION OF REMEDIATION SCHEME

(9) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(10) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

PARKING PROVISION

(12) 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 to serve the proposed dwelling and 2 cars to be parked for the existing property. Furthermore provision must be made for vehicles to turn so that they may enter and leave the site in forward gear using the existing private drive. The approved turning and parking areas shall thereafter be maintained.

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, while also providing safe and convenient parking spaces for the existing and proposed dwellings, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

DETAILS OF ENCLOSURE AND SCREENING

(13) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

(14) 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 (the enlargement, improvement or other alteration of a dwellinghouse), B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (Any other alteration to the roof of a dwellinghouse) and E (the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, or container used for domestic heating purposes) of Part I of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to preserve the amenities of neighbours in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO FURTHER WINDOWS OR DOORS

(15) 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 further windows, doors or other openings, other than those permitted at the reserved matters stage, shall be constructed in the dwellinghouses hereby permitted.

Reason:

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

INFORMATIVE - CODE OF PRACTICE

(1) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites can be adopted either in part or as a whole to satisfy the above condition. It can be downloaded for submission via:

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

It is also available on request from the Environmental Protection and Monitoring Team: 01752 304147.

Having regard to the main planning considerations, which in this case are considered to be: the impacts on highway safety and convenience; the amenities of neighbours and 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:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines
NPPF - National Planning Policy Framework 2012