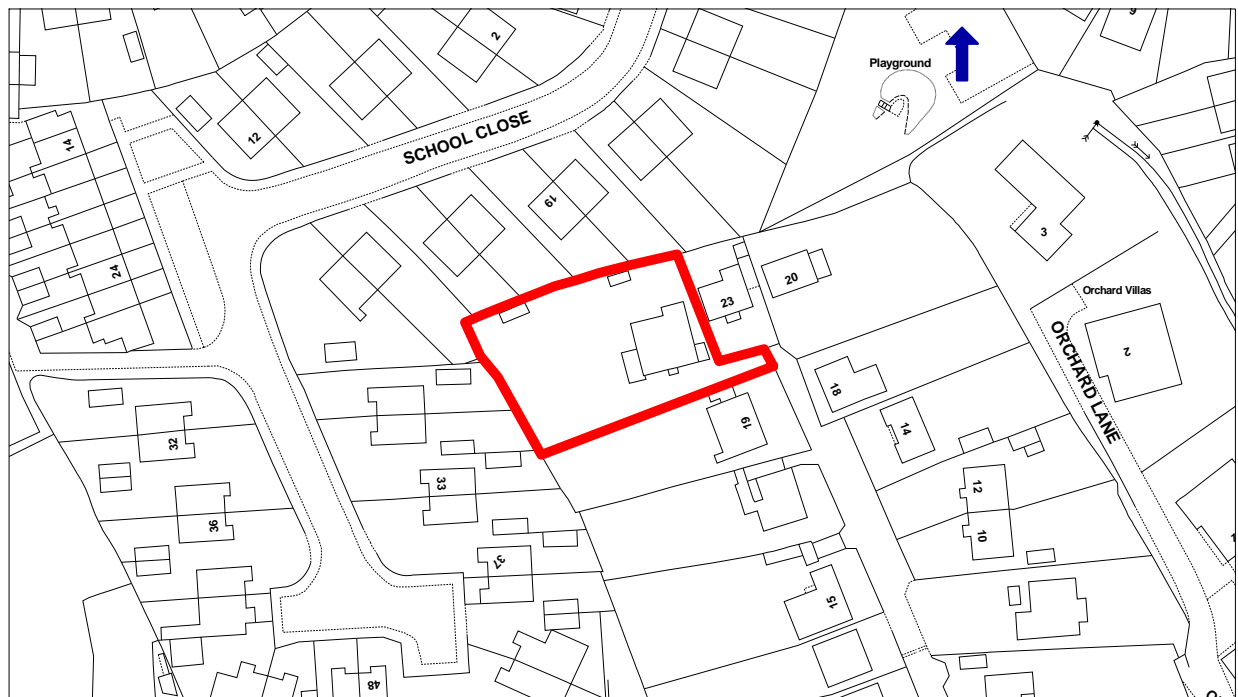


PLANNING APPLICATION REPORT



ITEM: 3

Application Number:	12/01520/FUL
Applicant:	James Dean and Kerry Everson
Description of Application:	Retrospective application for replacement dwelling with attached double garage
Type of Application:	Full Application
Site Address:	21 DEAN ROAD PLYMOUTH
Ward:	Plympton St Mary
Valid Date of Application:	24/08/2012
8/13 Week Date:	19/10/2012
Decision Category:	Member Referral
Case Officer :	Liz Wells
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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Committee Referral

This application has been referred to Planning Committee by Ward Member Cllr Nicholson for the following reasons: inappropriate to delegate given the site history and inappropriate form and design of this development.

Site Description

The site is an established residential plot which until recently has been occupied by a bungalow known as 21 Dean Road, with an attached flat roof single private motor garage and garden with various outbuildings. The site rises up gently to the west.

The site is bounded all sides by the gardens of the following residential properties:

- to the east by 23 Dean Road – at slightly lower ground level
- to the south by 19 Dean Road– at slightly lower ground level
- to the north 17-25 (odd) School Close – at lower ground level
- to the west 29 and 31 School Close - at higher ground level

The properties in the vicinity are a mixture of two storey properties and bungalows (predominantly in Dean Road).

The site is located at the end of Dean Road, accessed from the hammerhead at the end of the cul-de-sac. Dean Road is a private road accessed from Lucas Lane in Plympton, an established residential area.

Proposal Description

Retrospective application for replacement dwelling with attached double garage

Pre-Application Enquiry

None but applicant queried if revised permission was required following removal of wall.

Relevant Planning History

12/00728/FUL - Extension and alterations including raise in roof height with dormer windows, two storey side extension (existing garage to be removed), and single storey front extension to form double-width private motor garage – GRANTED CONDITIONALLY

12/01170/CDM - Condition 3 – CONDITION DETAILS DISCHARGED

Consultation Responses

Public Protection Service - Objection: Public Protection Service recommends refusal to the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. Having consulted the online details for the above application PPS notes that an appropriate contamination assessment has not been submitted with the application. The applicant has not acknowledged in section 14 of the form that the proposed development is sensitive and a use that would be particularly vulnerable to contamination and so it does not appear that the appropriate documentation has been submitted with the application. Given the retrospective nature of the application, this is particularly significant.

Representations

8 letters of representation have been received in response to this application, of which 7 object to and raise queries with the application, and one states that two occupants of Dean Close have no objection. There is some duplication in the letters of objection – one objector written in twice, and another property has letters from the occupants and representatives on their behalf. In summary, the letters represent the concerns of occupants of 33, 31, 17 and 28 School Close and the Plympton & District Civic Society. In response to the letters, the planning agent has submitted a letter responding to many of these points.

Letters object to the application on the following grounds:

- impact on 29, 31 and 33 School Close – loss of privacy, loss of aspect, loss of visual amenity / outlook and enjoyment of garden, overbearing, and loss of view of Newnham Valley and Hemerdon Ball and reduction in value of these properties
- loss of privacy to 17 School Close not going to be solved by fencing
- size and height / massing out of keeping with surrounding houses and area (includes some analysis of footprint and volume increase)
- approach of builders to development previously permitted
- misleading information and descriptions
- garage roof potential for conversion to room – lesser pitched roof requested
- discrepancy in site plan – building closer to boundaries than indicated

All letters can be viewed in full on the webpage relating to this application.

The previous application attracted just 2 letters of representation from 15 and 17 School Close, raising concerns about loss of privacy, loss of value and precedent for dormer windows.

Analysis

Background:

In June 2012, a householder application for extension and alterations including raise in roof height to the property was approved. Works to implement the permission are understood to have commenced shortly afterwards. During works, the applicant rang to advise that after removing the roof of the original bungalow, it was found that the original walls were unstable, and after discussion with the Building Control Officer were removed. The result is that the development will be a replacement dwelling, rather than an extension, and therefore the applicant was advised to submit a new planning application to reflect this change.

Differences from previous permission:

The plans submitted for this application are the same as the previous approved application, with the exception of one ground floor window at the rear, which has been repositioned and enlarged. As works have already started on site, this application is described as 'retrospective'.

Planning Compliance Investigation:

The applicant has been advised that works carried out without the appropriate planning permission are done so at his own risk. The Council is aware that development has continued, although the letter from the agent, dated 4 October 2012 states that works have now ceased .

Complaints have been received about the height/size of the development. An inspection was undertaken on 18 and 28 September 2012. From the on site observations and measurements, the height of the building appears to accord with the plans.

Main planning considerations:

The main considerations and relevant policies of the Core Strategy in assessing this application are:

- principle of replacement dwelling / overall housing provision - policy CS15
- impact on character of area and neighbouring residential amenities – policy CS34 and Development Guidelines SPD

Principle of replacement dwelling:

There is no objection in principle to the replacement dwelling within this established residential area in Plympton. Policy CS15 states all new dwellings must be of sufficient size to provide satisfactory levels of amenity and respect the privacy and amenity of existing occupiers.

Impact:

The form of development was considered in detail under the previous application (12/00728/FUL) and the impact of the development is considered to be acceptable, being in line with the guidelines set out in the Development Guidelines SPD. The larger and repositioned window in the ground floor rear elevation is not considered to result in any loss of amenity to neighbouring properties.

The previous application was subject to a condition for privacy screening, the details of which are shown on the plans submitted. A condition relating to this screen to be retained after construction is recommended.

Issues raised in letters of representation:

Addressing the issues in turn:

- impact on 29, 31 and 33 School Close – loss of privacy, loss of aspect, loss of visual amenity / outlook and enjoyment of garden, overbearing, and loss of view of Newnham Valley and Hemerdon Ball and reduction in value of these properties

Response: the impact on these properties is considered acceptable (as with the previous application) due to the separation distance and in line with the Development Guidelines SPD. Loss of a view from a private property and loss of property values are not a material planning consideration. The more distant view of the hill is retained above the roof under construction when viewed from the road of School Close.

- loss of privacy to 17 School Close not going to be solved by fencing

Response: issues considered under previous application. Condition requiring privacy screening to be retained after development complete recommended.

- size and height / massing out of keeping with surrounding houses and area (includes some analysis of footprint and volume increase)

Response: As the site is located at the end of a cul-de-sac and in an area of mixed property designs, including bungalows and two storey properties, the size and height is not considered to result in any demonstrable harm to the surrounding area. The planning application considerations are not prescriptive to size or volume increase, so whilst the proposal represents a larger single dwelling than previously occupied the site, the scale of the development sits comfortably within the available curtilage and area. The letter from the planning agent also comments in detail on this issue which is displayed on the website for interested parties to read.

- approach of builders to development previously permitted

Response: Having discussed this matter with the Building Control Officer, he has advised that there is nothing about the way work was carried out to implement the previous approval that could be challenged. As such, objections on this ground appear unfounded and this does not effect the main 'material planning' consideration for assessing this application. The letter from the planning agent responds to this matter in detail, including photographs, to support the intention to retain part of the outside wall of the former bungalow.

- misleading information and descriptions

Response: it is appreciated that residents may feel misled, but the submitted plans are clear and have been fully considered. The letter from the planning agent responds to this matter in detail and is displayed on the website for interested parties to read.

- garage roof potential for conversion to room – lesser pitched roof requested

Response: given the form of the development have previously been approved, no amendments to this application have been sought during the course of this application.

- discrepancy in site plan – building closer to boundaries than indicated

Response: this will be given further consideration through the current planning compliance investigation (described above). The Committee will be given a further evaluation of this aspect in an Addendum Report

Other issues:

The Public Protection Service (PPS) have objected to this application on the basis of lack of information submitted. Whilst the concerns they have raised are noted, as this development is for residential development on a previously residential site and the works are not significantly different to those permitted by the previous approval to extend the former bungalow, the lack of information in this instance is not considered to warrant the application being recommended to be refused. In addition, the comments in the letter from the planning agent are noted.

The proposed dwelling has adequate off-street parking.

The comments in the letter from the planning agent emphatically deny allegations that the developer intended to replace the bungalow from the start. The letter does not raise any additional planning considerations to those addressed above.

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

No S106 recommended for this application.

Equalities & Diversities issues

None

Conclusions

The application is recommended for approval, subject to a condition to ensure the privacy screen, detail of which have been submitted, are retained after the development is complete.

Recommendation

In respect of the application dated **24/08/2012** and the submitted drawings 62501/01b, 62501/02b, 62501/03b, 62501/06c, 62501/07c, 62501/08c, 62501/09b, 62501/10b and drawing A and B relating to privacy screen, it is recommended to:

Grant Conditionally

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 62501/01b, 62501/02b, 62501/03b, 62501/06c, 62501/07c, 62501/08c, 62501/09b, 62501/10b and drawing A and B relating to privacy screen.

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.

FURTHER DETAILS: SCREEN

(2) The privacy screen on the boundary with 17 School Close shown in drawings A and B hereby approved shall be provided prior to occupation of any first-floor level accommodation and thereafter retained at all times.

Reason:

To protect the privacy currently enjoyed by neighbouring property, specifically the garden of No.17 School Close, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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 character and appearance of the area and the impact on the neighbouring residential amenities, 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 (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, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS02 - Design

CS15 - Housing Provision

SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012