

ADDENDUM REPORT PLANNING COMMITTEE 8 NOVEMBER 2012

Item: 6.2

Site: 21 Dean Road

Ref: 12/01520/FUL

Applicant: Mr James Dean and Ms Kerry Everson

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Representations

Additional letters of representation have been received since the update report for Planning Committee which forms part of the agenda. Of the letters received, some letters respond to the amendments made to the plans following negotiations since the Planning Committee on 18 October deferred the application for negotiations on 5 grounds. Some of the letters have raised queries about the process or treatment of letters of representation and some have reiterated requests for information, explanation of the planning considerations of the previous and current planning application or further photographs to be taken.

Some of the letters of representation received have contained remarks of a personal nature regarding both the applicant, agent and the case officer and these remarks have been removed from the public record. .

A copy of the representation which is believed to be the same as made to Planning Committee members directly by the speaker prior to the last Planning Committee has also been uploaded to the public website for information.

The relevant planning issues raised in the additional letters of representation are summarised below:

- Deception relating to the height of the garage

Response: addressed in addendum report to 18 October Committee.

- Height of garage could be reduced without too much complication / lots of houses have different fascia levels / a more attractive 4 bedroom bungalow could have been designed which would have kept all the neighbours happy. Request that further compromise is made by applicants over the garage roof

Response: amendments to design have been sought with the applicant following the decision of the Planning Committee on 18 October 2012. The response is included in the officer report.

- Query 33 metre distance between 31 School Close and 21 Dean Road

Response: On-site measurements found the smallest distance from side of proposed dwelling to boundary of 29/31 School Close measured 14.3 metres, plus garden on 29/31 around 10 metres long, gives separation of over 24 metres. Development guidelines for outlook suggests minimum of 15 metres and for privacy 21 metres. Impact on 29/31 School Close addressed in main report to 18 October Committee

- Impact on 19 Dean Road – ‘oppressive scale’ or ‘overbearing and dominant’ (privacy issue previously specifically addressed in officer report)

Response: The proposed front elevation shares the line of the front of the pre-existing bungalow (excluding the bay windows) and the relative increase in height and length of the proposed dwelling is not considered by officers to result in an unreasonable impact on the outlook or light when viewed from the garden or

habitable room windows of 19 Dean Road compared to the relationship with the old bungalow. No. 21 lies to the north of no. 19. The sun-room has windows on three sides with the greatest expanse of space along the garden to the rear. The proposed garage lies close to the boundary part way down the garden of no. 19 which at the time of the site visit was screened by existing garden shrubs and trees.

Regarding privacy, whilst the dormer window serving the bathroom is proposed to be obscure glazed, mitigating any potential unreasonable loss of privacy to no. 19, it is recommended to apply an extra condition to require any opening window below 1.7 metre measured from floor level in that room to be restricted opening so as to mitigate for unreasonable loss of privacy. A recommended additional condition is outlined below.

- Inaccuracies in the agent's letter following negotiations specifically regarding pre-existing vegetation in garden on 19 Dean Road

Response: The precise details of why and when any vegetation was removed does not affect the recommendation and had been removed prior to the case officer's first site visit.

- Thankful that window removed but two dormers on rear elevation will still impact on 17 School Close as trees, unless evergreen, will only give privacy in summer months.

Response: the separation distance and angle of the dormers relative to 17 School Close are not considered by officers to result in unacceptable loss of privacy and the proposed trees, whilst not evergreen, will act to break up any overlooking.

- Disappointed that dormer windows overlooking 17 and 19 School Close will not be removed without detriment.

Response: This issue is addressed in the main officer report.

- Concern that future growth of trees may give rise to damage of adjacent properties due to root growth, height and spread and querying if this can be legally enforced on the owner of the trees

Response: This is not a planning matter. Under Common Law overhanging trees and their roots can be cut back to the boundary.

- Query on removal of shed and assurance that wall will be replaced or made safe should it become unsafe.

Response: This is not a planning matter, although should a report be received of a dangerous structure or wall, the Planning Department would investigate through its Building Act powers. A condition to replace the wall is not considered to pass the tests of necessary or reasonable given its location on the boundary and the fall-back of permitted development rights to remove or replace the means of enclosure.

- Queries on the front facing dormers not being addressed in officer reports and not in accordance with paragraph 2.2.58 the Development Guidelines SPD

Response: Already addressed in update report on agenda, but to clarify: the front facing dormers area considered acceptable in this instance. The main planning considerations being the impact on the streetscene and the impact on neighbouring properties amenities. Development Guidelines SPD introduction to chapter 2, paragraph 2.1.6 states:

' The guidance set out in this chapter does not aim to be overly prescriptive. The Council recognises that the characteristics of each site will be different and that what is inappropriate at one location could be appropriate in another. [...] This guidance does, however, set out a benchmark for protecting the character and amenities of local neighbourhoods and for driving up the quality of the urban environment.'

- Queries on the dormers not being aligned with windows below not being addressed in officer reports and not in accordance with paragraph 2.2.55 the Development Guidelines SPD

Response: as above.

- Queries regarding limitation to increase in volume of a property

Response: addressed in report to 18 October Committee

- Queries regarding when mass becomes significant or detrimental, and stating that 42 residents do not concur with officer opinion, reference to appeal decisions on volume issues

Response: each planning application is assessed on a case by case based on local and national policy and guidance alongside other local circumstances. The officer report outlines how these policies and guidance have been used to inform the officer recommendation.

- Queries on the request for photographs to be taken from first floor windows

Response: Already addressed in update report on agenda.

- Queries on probity in planning and reference to the agent's former position in Plymouth City Council

Response: The agent is not a Plymouth City Council employee and officers are bound by the Planning Committee Code of Good Practice which forms part of the Council's Constitution.

- Refusal to communicate with neighbours' representative and answers to questions raised about dormer windows, volume of house and other questions

Response: Authors have been advised that the planning authority cannot enter into individual correspondence with regards to planning applications.

- Amended proposals fall extremely short of redressing concerns and has not altered the mass and overbearing effect of the project on the local area. We do not understand why the first planning permission was allowed – vastly bigger and obviously far in excess of what a normal person would understand to be an extension. Feel that there has been an error in judgement of the planning officer in allowing permission for this building.

This is a matter for Planning Committee to consider.

CONDITION: BATHROOM WINDOW TO BE RESTRICTED OPENING

(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), the window (at first floor level) in the front (south) elevation of the

proposed **dwelling serving the bathroom**, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, or unless the window opening is restricted to 50mm.

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 whilst allowing for reasonable natural ventilation of that room.