

PLANNING APPLICATION REPORT



ITEM: 04

Application Number: 13/00121/FUL

Applicant: Mr Alan Moore

Description of Application: Retrospective application for first floor front extension and pitched roof to double garage

Type of Application: Full Application

Site Address: 19 TITHE ROAD PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 31/01/2013

8/13 Week Date: **28/03/2013**

Decision Category: Member Referral

Case Officer : Liz Wells

Recommendation: Refuse

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Committee Referral

This application has been referred to Planning Committee by Cllr Nicholson.

Site Description

19 Tithe Road is a semi-detached residential property in Plympton. The property is located where Tithe Road turns into Cundy Close.

Proposal Description

Retrospective application for first floor front extension and pitched roof to double garage

Pre-Application Enquiry

None. The application has been submitted following a planning compliance investigation.

Relevant Planning History

09/00797/FUL - First-floor front extension (above existing porch) – REFUSED and APPEAL DISMISSED

08/01039/FUL - Extension to enlarge private motor garage – GRANTED CONDITIONALLY

06/01923/FUL - Rear conservatory on existing raised patio area – REFUSED

80/02105/FUL - Erection of private motor garage - GRANTED

Consultation Responses

None requested or received.

Representations

Eight letters of representation have been received in respect of the application from nearby residents.

- Seven are in support of the application commenting that both the front extension and pitched roof on the garage are in keeping with the road, including the adjacent Cundy Close and an improvement to the flat roofed garage.
- One letter objects to the application on the basis that it is not in keeping with any other property in the road and that the bedroom could have been extended into bedroom 1 achieving the same result. It also objects on the basis that planning and building control which was not obtained prior to the start of the work and questions whether the structure is safe in its building construction. In relation to the garage, concern is raised for the potential for the roofspace to be used for business use.

Background

The planning application has been submitted following a planning compliance investigation. An anonymous third party enquiry was made in November 2012 about works to the roof and potential loft and this alerted planning officers to the construction of the first floor front extensions that had been dismissed on appeal by the Planning Inspectorate in 2009. No previous reports had been made to the Council about this work.

Given the planning history relating to the first floor front extension, the owner was contacted to discuss the matter prior to a planning contravention notice being served in January 2013. A planning contravention notice takes the form of a questionnaire as a pre-cursor to serving a planning enforcement notice. Its purpose was to seek confirmation of when the development was carried out.

A further planning application for the front extension was not invited by the Council in these circumstances. However, the owner was advised that the pitched roof added to the garage was also considered to be breach of planning control and advised that it should be made the subject of a planning application should he wish to retain it in its current form.

On receipt of the retrospective planning application for both the pitched garage roof and the front extension, officers considered implementing a procedure whereby a Local Planning Authority can decline to validate the application. However as the application was made prior to an enforcement notice being served and because the previous decision was over 2 years ago, there were no grounds for Council to turn away the application.

Analysis

The main considerations in assessing this application are the impact on the neighbouring property's amenities and the impact on the streetscene. The application turns on policy CS34 of the Core Strategy and the Development Guidelines SPD.

The two aspects of the proposal are considered in turn.

- (i) The first floor front extension

The proposed extension is located on top of the pre-existing porch. The porch measures approximately 1.5 metres deep by 3 metres wide. The proposal increases the height of the structure to 6.1 metres and has a simple pitched roof.

The proposal is set away from the boundary with the neighbouring property and is not considered to have any unreasonable harm to privacy, outlook or light of the attached neighbour, no. 18 .

The Development Guidelines SPD advises that extensions that project forward of the existing house will generally be resisted and where a street has a clear established building line, the only development that might be acceptable at the front is likely to be a small, sympathetically designed porch. Porches are not a common feature of the street although a handful of properties have constructed porches

under “permitted development”. Two storey front extensions are not a feature found in the vicinity of the site. A first floor extension has a much greater impact on the appearance of the property than a single storey porch and is considered to detract from the built form of this run of semi-detached houses on the same design on the south side of Tithe Road.

It is noted that the property is located at the end of a run of properties of the same design and the last of two pairs of semi-detached properties set further back from the road and that there is a mix of housing styles further along the road to the west. In addition, the extension has been completed in materials to match the main house and ties in with the eaves of the existing house. However, these issues were carefully considered both by the Council and then the Planning Inspectorate prior to construction and concluded that the development would appear out of character and be detrimental to the visual quality of the area, contrary to policy CS34 and the Development Guidelines SPD. The policy context has not changed significantly since those decisions, and so those decisions are a material planning consideration.

(ii) The pitched roof to the existing double garage

As the existing double garage - or pair of single garages to be precise – is in front of the house, planning permission is considered to be required for the pitched roof addition. The applicant has indicated that he was advised that planning permission was not required before carrying out this work.

The Development Guidelines SPD advises that garages in front gardens will generally be resisted as they are prominent sites and can detract from the streetscene. Although the planning history shows the garages have been granted specific permission in the past, the context of the site may have been different at that time – perhaps prior to Cundy Close being developed in the early 1980s. The addition of the pitched roof greatly increases the mass of the previously flat roof garages and makes it a prominent feature. Viewed from the west, it is seen in context with 1A Cundy Close, and appears to be a comparable size. Due to its mass and location, the garage with this pitched roof is considered to appear out of character and be detrimental to the visual quality of the area, contrary to policy CS34 and the Development Guidelines SPD.

The garage is set away from the boundary with the neighbouring property to the east and given the existing boundary treatment, the lower level of their garden, and the relative orientation, the addition of the garage roof it is not considered to have any unreasonable harm to light, outlook or privacy to that neighbour .

Other issues

The other issues raised in the letters of representation are considered below:

- The fact that the application is retrospective can be given very little weight in determining the planning application, which must be determined on the planning policies and guidance as set out above.
- Queries relating to the safety of the building works will be addressed through the Building Regulations process. A contravention file was raised in November 2012 but action has been deferred pending the outcome of the planning compliance case.

- Concern raised regarding the potential for the roofspace to be used for business use appears to be speculation and does not form part of the proposal. The roof space is understood to be used for additional storage for the property. Whether a business use requires planning permission is a matter of 'fact and degree', depending on the type and frequency of use and its impact on the surroundings. There have been no reports to the Council that the garage roofspace is being used for business purposes. Should such a report be received, it would be investigated accordingly.

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

Not applicable to this application

Equalities & Diversities issues

None. As the development has already been constructed, the applicant has indicated that it will put his family in difficulty however he was aware at the time of construction that planning permission had been refused and he carried out the development at his own risk.

Conclusions

This is a very unusual situation where development has proceeded despite a dismissed appeal, and without being drawn to the attention of this Council previously. The appeal decision remains the key material planning consideration in this case and for the reasons set out above, the proposal is recommended for refusal due to the detrimental impact on the streetscene.

Recommendation

In respect of the application dated **31/01/2013** and the submitted drawings site location plan, plans and elevations first floor extension dwg S367/05/09 and garage plans and elevation as existing and as proposed dwg PL7 4QQ/GR/001 and 002 and accompanying photographs, it is recommended to: **Refuse**

Reasons for Refusal

DETRIMENTAL TO THE STREETSCENE - FIRST FLOOR FRONT EXTENSION

(1) The Local Planning Authority considers that the proposed front extension, by virtue of its size and position, will be an unduly prominent addition to the streetscene. The proposed extension will extend beyond the main front elevation of the property and the building line of neighbouring properties in the street. The proposal will be out of character with development in the area, which is contrary to Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and advice in the Development Guidelines Supplementary Planning Document (2010).

DETRIMENTAL TO THE STREETSCENE - PITCHED ROOF TO GARAGE

(2) The Local Planning Authority considers that the proposed pitched roof to the garage, by virtue of its size, increase in bulk and massing and position in front of the dwelling, will be an unduly prominent addition to the streetscene. The proposal will be out of character with development in the area, which is contrary to Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and advice in the Development Guidelines Supplementary Planning Document (2010).

INFORMATIVE: PROACTIVE WORKING

In accordance with the requirements of Article 31 of the Town and Country Planning (1) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

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:

CS34 - Planning Application Consideration

CS02 - Design

SPDI - Development Guidelines

NPPF - National Planning Policy Framework March 2012