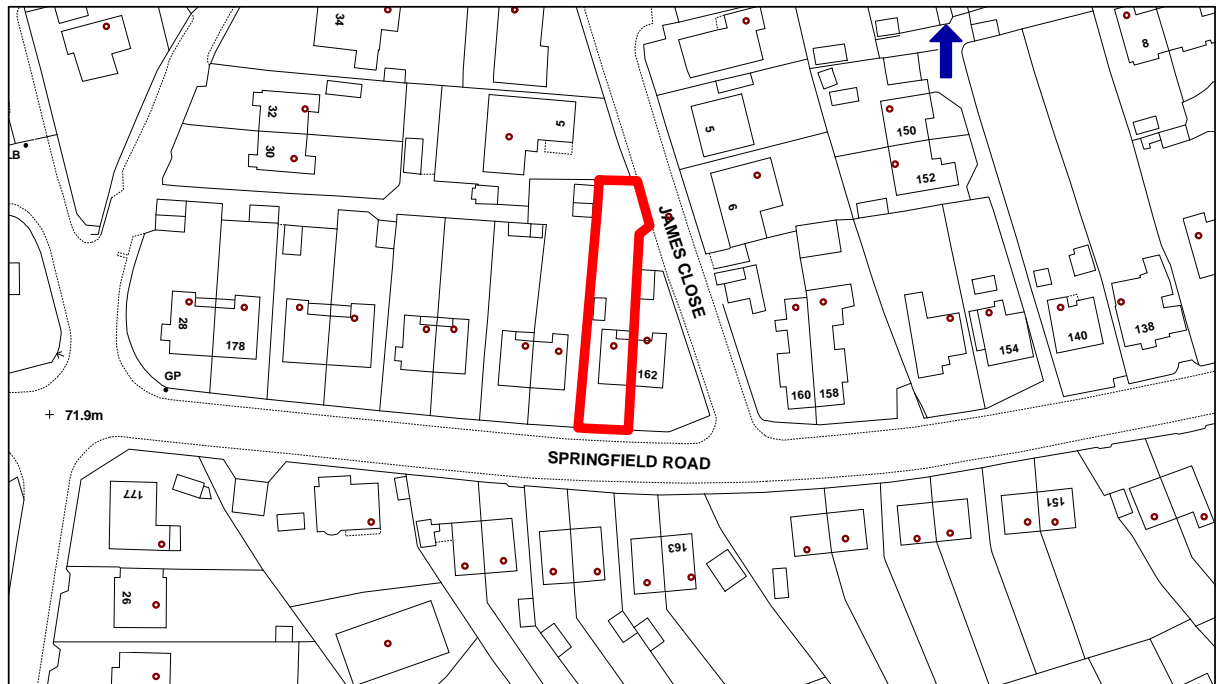


# PLANNING APPLICATION REPORT



**ITEM: 04**

**Application Number:** I3/00729/FUL  
**Applicant:** Mr and Mrs T Wellington  
**Description of Application:** Single-storey rear extension  
**Type of Application:** Full Application  
**Site Address:** I64 SPRINGFIELD ROAD PLYMOUTH  
**Ward:** Plymstock Dunstone  
**Valid Date of Application:** 26/04/2013  
**8/13 Week Date:** 21/06/2013  
**Decision Category:** Member/PCC Employee  
**Case Officer :** Liz Wells  
**Recommendation:** Grant Conditionally  
**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



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This application has been referred to Planning Committee as the applicant is an employee of the Council.

### **Site Description**

164 Springfield Road is a semi-detached residential property in Plymstock.

### **Proposal Description**

Single-storey rear extension.

The property has an existing lean-to conservatory which would be replaced by the proposed extension. The proposal is for a 4 metre deep extension with a pitched, hipped roof, 2 metres to the eaves and 3.6 metres where it joins the house.

### **Pre-Application Enquiry**

None

### **Relevant Planning History**

07/01133/FUL - Detached double garage in rear garden (access from James Close) – GRANTED CONDITIONALLY

### **Consultation Responses**

No consultation responses requested or received.

### **Representations**

No letters of representation received in respect of this application.

### **Analysis**

1. The main consideration in assessing this application is the impact on the neighbouring properties amenities. The application turns on policy CS34 of the adopted Core Strategy and the Development Guidelines SPD First Review.
2. The most affected property is the adjoining neighbour, no 162. This property has a ground floor window close to the party wall. This window is understood to serve the dining room of the house.
3. The proposal is likely to result in loss of light and outlook to this window. The 45 degree guideline set out in the Development Guidelines SPD is used as a tool to assess this impact. The proposal will breach the 45 degree guideline by approximately 2.3 metres.
4. Amended plans have been sought to reduce the proposal to 3 metres deep, but the applicant/agent has requested that the application is determined on the plans submitted as they do not wish to build an extension that would only increase the usable space marginally compared to the existing lean-to.
5. The properties (164 and 162) are north facing at the rear therefore the rear rooms of the properties receive little direct sunlight. No. 162 has a lean-to tenement which appears to be an as-built feature of these properties. The proposed extension is to go on the other side of this window.

6. Consideration has been given to the difference in the impact of the proposal compared to the existing conservatory and to an extension that could be carried out under permitted development rights.
  - i. The existing conservatory is approximately 1.8 metres deep, 2.0 metres high at the eaves and 3 metres high where it joins at the house and has a brick wall bounding the neighbour with a triangle of windows towards the top. The existing conservatory is almost compliant with the 45 degree guideline for this nearest neighbour's window.
  - ii. When the planning application was submitted, permitted development rights allow a rear extension that is 3 metres deep, 3 metres high to the eaves and 4 metres in overall height could be constructed without an application for planning permission. This would be one metre shorter than the current proposal but could be almost one metre higher at the eaves.
  - iii. Under current permitted development rights, a two metre high fence or wall could be erected on the boundary without an application for planning permission. This would have a similar impact in term of outlook and light.
  - iv. The Town & Country Planning (General Permitted Development) Order, was amended from 30 May 2013 to extend the permitted development rights for rear extensions to such properties to up to 6 metres deep, subject to conditions and prior approval process. Should the applicant wish to re-submit the application under this new procedure, it would be open for them to do so. A different consultation procedure is required for the prior approval procedure than for the planning application, involving letters to the adjoining neighbours. Under this new legislation, the current proposal could be constructed under permitted development rights provided there are no objections from adjoining neighbours
7. Whilst the proposal is contrary to the guidance set out in the Development Guidelines SPD in terms of 45 degree guideline (outlook and light) the SPD is only a guidance and it is also balanced against the consideration of the reasonable development rights of the applicant as set out in the permitted development rights set out in national legislation.
8. In terms of visual impact, the pair of semi-detached houses is relatively open to view from James Close – a cul-de-sac to the side/rear of the property - however the proposal is seen in context of the rear of the property and the (as built) lean-to tenements. In this context, the proposal is not considered to result in any demonstrable harm to the appearance of the property or streetscene.

9. 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.
10. Under the current charging schedule for Community Infrastructure Levy, there would be no charge for this proposal.

### **Section 106 Obligations**

Not applicable to this application.

### **Equalities & Diversities issues**

None.

### **Conclusions**

On the basis of the impact to the amenities enjoyed by occupiers of 162 Springfield Road in terms of light and outlook to the nearest neighbouring window is not significantly impacted. Consideration has also been given to the development that could be carried out under permitted development rights, and the application is recommended for approval.

### **Recommendation**

In respect of the application dated **26/04/2013** and the submitted drawings site location plan, existing drawings AS01, AS02, proposed drawings AB01 rev B, AB02 rev C, AB03 rev B, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

#### **APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, existing drawings AS01, AS02, proposed drawings AB01 rev B, AB02 rev C, AB03 rev B.

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.

**INFORMATIVE: PRO-ACTIVE WORKING**

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

**INFORMATIVE: Community Infrastructure Levy contribution.**

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: impact on neighbouring residential amenity and visual impact on the surroundings, 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012