

PLANNING APPLICATION REPORT



ITEM: 01

Application Number: 13/01177/FUL

Applicant: Mr Andy Tibbs

Description of Application: Retrospective application for two storey side and rear extension and front porch- amendment to approved application 12/00505/FUL with front gable roof turned through 90 degrees

Type of Application: Full Application

Site Address: 317 HEMERDON HEIGHTS PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 04/07/2013

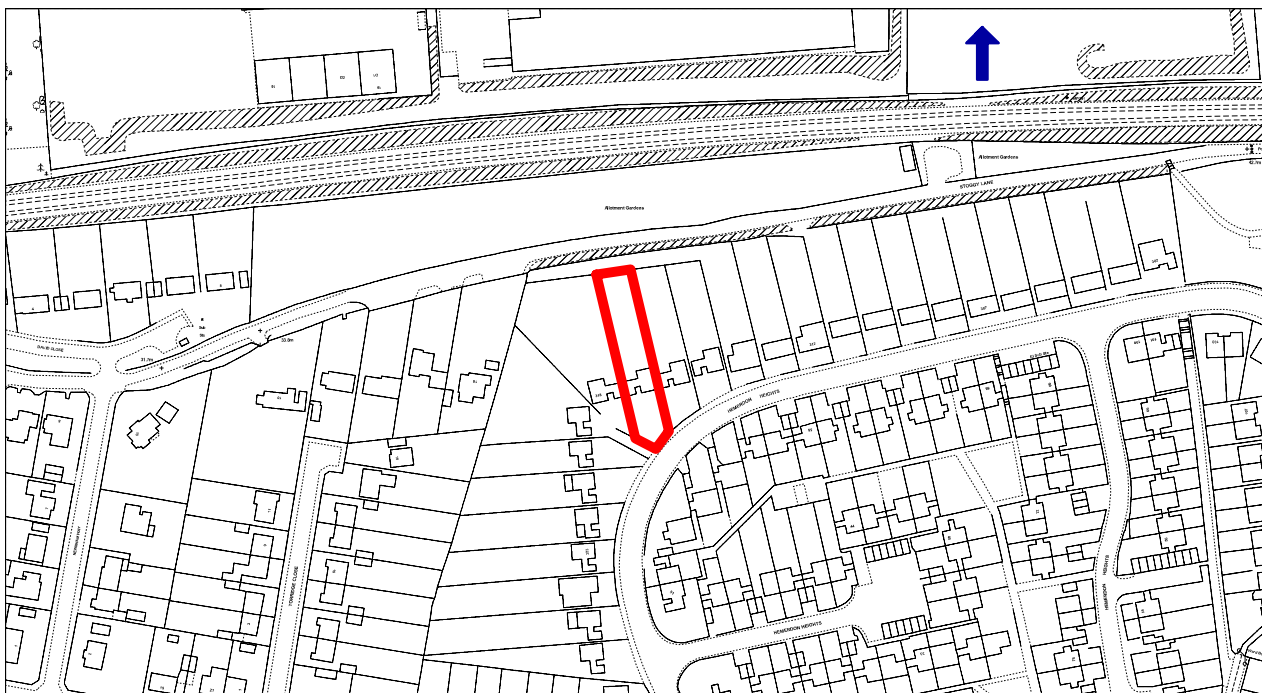
8/13 Week Date: **29/08/2013**

Decision Category: Member Referral

Case Officer : Mike Stone

Recommendation: Grant Conditionally

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

Site Description

317, Hemerdon Heights is a two storey detached property in the Chaddlewood neighbourhood. The house is set well back from the road. The levels fall away from south (front) to north. In 2012 consent was granted for a two storey side and rear extension that is now nearing completion.

Proposal Description

Retrospective application for two storey side and rear extension and front porch-amendment to approved application 12/00505/FUL with front gable roof turned through 90 degrees.

Pre-Application Enquiry

None.

Relevant Planning History

12/00505/FUL - Two-storey side and rear extension, and front porch – Grant conditionally.

Consultation Responses

None requested.

Representations

Eight letters of representation commenting on and objecting to the application have been received from one neighbour. In his objections he has pointed out the loss of light to their bathroom window, the fact that the garage floor and driveway have been raised resulting in loss of privacy at the front of the house and have suggested the development is out of character with the area.

Analysis

1. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document First Review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.
2. In May 2012 planning permission was granted for a two storey side and rear extension that would create a double gable finish at the front and back of the house, no neighbour objections were received to this proposed development. As the structure was nearing completion it became clear to neighbours that the house was not being built according to the approved plans, the front gable having been replaced by a conventional pitched roof. A complaint was made to the Planning Department and an enforcement case was opened. As no application to amend the approved plans had been received by the

department a retrospective application to determine the development undertaken was sought.

Impact on the character and appearance of the area.

3. The main difference from the scheme approved in 2012 is the replacement of the front gable with a conventional dual pitched roof. Letters of objection have raised concerns that the development is out of character and over large. However, the officers consider that the house is well set back from the road (over 17 metres) and is screened by mature landscaping along the Hemerdon Heights boundary and there is a variety of architectural styles in the area. Both neighbouring properties have built or have consent to build similar large extensions. The amended design is not felt to have a detrimental impact on the streetscene.

Impact on neighbour amenity

4. The new design means that, instead of there being a roof sloping away from the neighbour at no. 319, there is now a gable end close to a side window at the first floor level. The Development Guidelines SPD states that “extensions should not result in a significant loss of daylight or sunlight to habitable rooms of neighbouring properties, such as kitchens, living rooms or bedrooms”. The room in question is a bathroom and therefore its amenity does not carry the same weight as those defined as habitable rooms. It is accepted by the officers that the development as-built has had an impact in terms of loss of light to the bathroom at no. 319. However, given the guidance set out in the SPD, it is not felt that this would have been a sufficiently robust reason for refusal to withstand the scrutiny of an appeal.
5. With regards to the sloped access to the garage/driveway associated with the building works, the submitted plans suggest that the front of the garage is now approximately level with the floor level of the house which is approximately 0.6 metres higher than the floor level of the previous garage. The change in level of the driveway by this amount is generally considered to be an engineering operation requiring permission and forms part of this application. The raise in level means that the previously approved steps to the front door up to the front door has been excluded from this application. The increased ground level in front of the garage may result in some loss of privacy to the neighbouring property, however the nearest window of no. 318 is set away from this boundary, separated by their own garage and front door. The front garden of these properties are relatively open to view from the road at the front, which is at a higher level. The area of garden which level has raised is unlikely to be used for anything other than accessing or washing a parked vehicle. In this circumstance, officers do not consider the proposal to result in an unreasonable loss of privacy to the neighbouring property and for this reason it is the officers’ recommendation that the application be approved.

Human Rights

6. 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.

Local Finance Considerations

Section 106 Obligations

Not applicable.

Community Infrastructure Levy

Under the present Community Infrastructure Levy charging schedule no CIL contribution is required for this development.

New Homes Bonus

Not applicable.

Equalities & Diversities issues

The proposed slope instead of steps is likely to assist in access to the house.

Conclusions

The application is recommended for approval.

Recommendation

In respect of the application dated **04/07/2013** and the submitted drawings Site location plan, AT./01, AT./02, AT./04, AT./06, 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, AT./01, AT./02, AT./04, AT./06.

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: UNCONDITIONAL APPROVAL (APART FROM TIME LIMIT AND APPROVED PLANS)

(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 and has granted planning permission.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A 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).