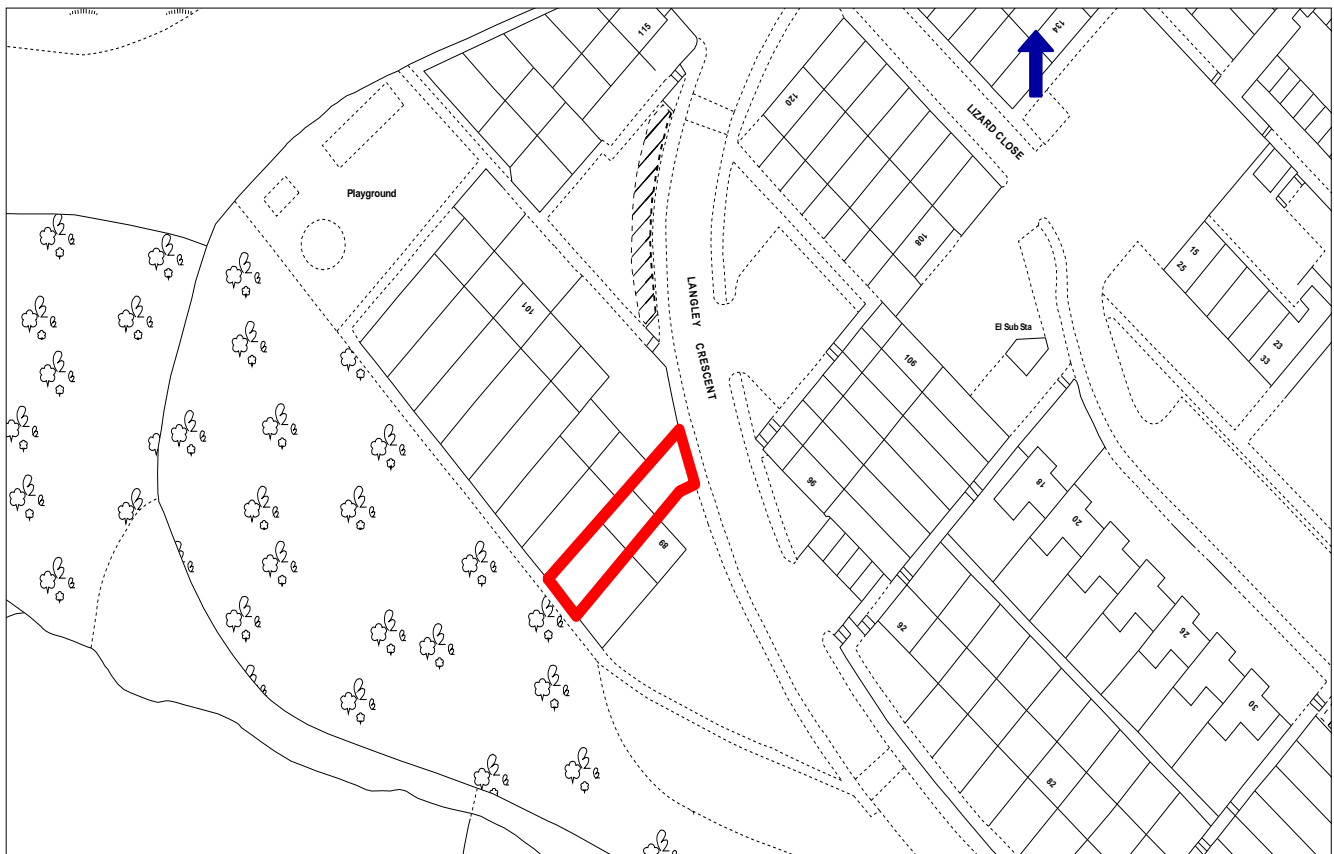


PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 13/01796/FUL
Applicant: Mr & Mrs John Mellor
Description of Application: Single storey rear extension and raised decking/patio
Type of Application: Full Application
Site Address: 91 LANGLEY CRESCENT PLYMOUTH
Ward: Southway
Valid Date of Application: 23/09/2013
8/13 Week Date: **18/11/2013**
Decision Category: Member/PCC Employee
Case Officer : Liz Wells
Recommendation: Grant Conditionally
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This planning application has been brought to Planning Committee because the applicant is or is related to an employee of the Council.

Site Description

91 Langley Crescent is a mid-terraced residential property in the Southway area of the city. The terrace is stepped such that the rear wall of no. 91 is flush with no. 89 but is set further back than no. 93. The property has an existing patio area at the rear. The rear garden slope down away from the property.

Proposal Description

Single storey rear extension and raised decking/patio. The proposed extension projects 3 metres from the rear wall of the dwelling and is approximately 4 metres wide, 2.5 metres high to eaves level and 3 metres to the ridge with a low pitched, hipped roof with roof lights. The proposal is predominantly glazed with folding sliding doors in the rear elevation and high-level windows in the side elevation adjacent to the boundary with no. 89. The proposed extended patio projects approximately 1.8 metres beyond the extension and for the width of the extension with two steps down to the garden level.

Pre-Application Enquiry

None formal. The application follows a recent application for a certificate of lawful development which was withdrawn following officer advice that the certificate could not be issued due to the element of raised decking/patio not being permitted development.

Relevant Planning History

13/01299/PRDE - Single storey rear extension and raised patio – WITHDRAWN

08/01423/FUL – Front porch – GRANTED

Consultation Responses

No consultation responses requested or received in respect of this application.

Representations

One letter of representation received from the adjoining neighbour at no. 89, objecting to the proposal on the basis of:

1. Loss of light as the height of the building will impede the light in my living space
2. Loss of privacy from proposed side windows
3. Also comments that they do not want neighbours to enter their space to clean the windows.

I. Analysis

- 1.1. The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

- I.2. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.
- I.3. The main considerations in assessing this application is the impact on the neighbour's residential amenity. The most relevant Core Strategy policy is CS34 (Planning Application Considerations) and the associated detailed guidance in the Development Guidelines Supplementary Planning Document (SPD) First Review 2013.
- I.4. Impact on neighbouring residential amenity:
 - I.4.1. As the proposal is set adjacent to the boundary with no. 89, this is the most affected property. The existing boundary wall separating these properties is approximately 1.7 metres high. The proposal will increase the height on the boundary to approximately 2.5 metres high. The proposal therefore is likely to have some impact on the light and outlook for the nearest neighbouring window (which is a patio door) which serves an open-plan living and dining area. That room is also served by a second window.
 - I.4.2. 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 metres.
 - I.4.3. The properties (91 and 89) face southwest at the rear therefore the rear rooms of the properties receive little direct sunlight until the afternoon. The orientation of the proposal to the nearest neighbours' window is to the northwest. As such, the proposed extension is likely to have no impact on the amount of direct sunlight reaching this window and given this relative orientation Officers consider that relaxation of the 45 degree guideline is appropriate, as set out in the Development Guidelines SPD, and that the proposed development will not result in an unreasonable loss of light or outlook to this neighbour.
 - I.4.4. Officers are aware from a site visit to this neighbour that the window receives daylight from a combination of reflection off the existing boundary wall and the sky visible above this boundary wall. The proposed high level windows or light paint colour would therefore help with the reflected light reaching the neighbour's window.
 - I.4.5. The cill height of the proposed side facing windows is approximately 1.7 metres above the finished floor level of the extension and therefore officers consider that this is likely to be sufficient to prevent any loss of privacy. Officers do not consider a condition requiring these windows to be fitted with obscure glazing to be necessary to protect the occupants' privacy from overlooking from the neighbouring first floor windows because the size of the window and angles involved are not considered to result in significant overlooking.

- 1.4.6. The letter of representation indicates that the adjoining neighbours have previously discussed the scheme but have not reached an agreement. In discussion with the applicant, the reason that they wish for the extension to be set to this side is due to the fact that it works better for their current house/room layout. In the circumstances, the applicants initially applied for a lawful development certificate but this application was not appropriate given the proposal includes a raised patio which requires planning permission. The extension alone is considered to be within permitted development allowances.
- 1.4.7. Amended plans were not requested in this instance. Recent appeal decisions have highlighted the consideration that should be given to the fall-back situation of what could be developed under permitted development rights. It is clear in this case that the impact of an extension built under permitted development allowances would be the same, if not more. Permitted development allowances would allow a taller extension – not exceeding 3 metres to the eaves and 4 metres in overall height.
- 1.4.8. The boundary wall steps down away from the house as the gardens slope down. The proposed raised patio may result in some increased overlooking of the neighbouring garden and may allow users to look back towards the rear windows of no. 89. This overlooking could be mitigated by a privacy screen or increasing the height of the boundary so that it was 1.7 metres from the patio level. Officers consider that given the separation distance from the house of 3 metres, an increase in the boundary wall height to the side of the proposed raised patio would not result in an unreasonable impact to the adjoining neighbours' amenity. This could be secured by condition requiring further details to be submitted for approval.

1.5. Other considerations:

- 1.5.1. The comment in the letter of representation about access to clean the windows is considered to be a civil matter and not a material planning consideration.
- 1.5.2. There is no significant impact to the other neighbour(s) due to the separation from the boundary.
- 1.5.3. The proposal is to the rear and not prominent in the streetscene.
- 1.5.4. The scale, design and materials are appropriate to the house and in keeping with the residential character of the area.
- 1.5.5. 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.

2. Local Finance Considerations

- Section 106 Obligations – not applicable for this application.
- Community Infrastructure Levy – no change for this scheme under the current charging schedule.
- New Homes Bonus – not applicable to this application.

3. Equalities and Diversities

None.

4. Conclusions

- 4.1. Officers consider that given the relative orientation of the proposal to the nearest neighbour's window, that relaxation of the 45 degree guideline is appropriate (as set out in the Development Guidelines SPD paragraph 2.2.39) and that the proposed development will not result in an unreasonable loss of light or outlook to this neighbour.
- 4.2. The proposed extension is within permitted development allowances for single storey rear extensions. The fall-back situation that the extension could be completed without the extended raised patio without planning permission is a material planning consideration.
- 4.3. Overlooking from the proposed raised patio level could be mitigated by a privacy screen or increasing the height of the boundary so that it was 1.7 metres from the patio level. Officers consider this can be achieved without an unreasonable impact to the adjoining neighbours' amenity. A condition requiring further details of this mitigation to be submitted for approval is recommended.
- 4.4. The impact of the development is balanced against reasonable develop rights of the applicant as set out in the permitted development rights set out in National legislation. For the reasons set out above, the proposal is recommended for approval subject to conditions.

Recommendation

In respect of the application dated **23/09/2013** and the submitted drawings site location plan, site layout plan, existing ground floor layout and elevations, proposed ground floor layout, proposed cross-section and elevations and existing photographs, 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, site layout plan, existing ground floor layout and elevations, proposed ground floor layout, proposed cross-section and elevations and existing photographs.

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

(3) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: details of privacy screen or boundary treatment to mitigate for increased overlooking from the raised patio . The hieght of which shall not be less than 1.7 metres from the level of the raised patio level. The works shall conform to the approved details.

Reason:

To ensure that the development does not result in an unreasonable loss of privacy to the neighbouring property and to ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: PROPERTY RIGHTS

(1) Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

INFORMATIVE: CONDITIONAL APPROVAL

(2) 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 imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(3) 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).