

# PLANNING APPLICATION REPORT



**ITEM: 03**

**Application Number:** I4/00071/FUL

**Applicant:** Ms Joanna Mikus

**Description of Application:** Proposed extension over existing garage

**Type of Application:** Full Application

**Site Address:** 6 CATALINA VILLAS PLYMOUTH

**Ward:** Plymstock Radford

**Valid Date of Application:** 16/01/2014

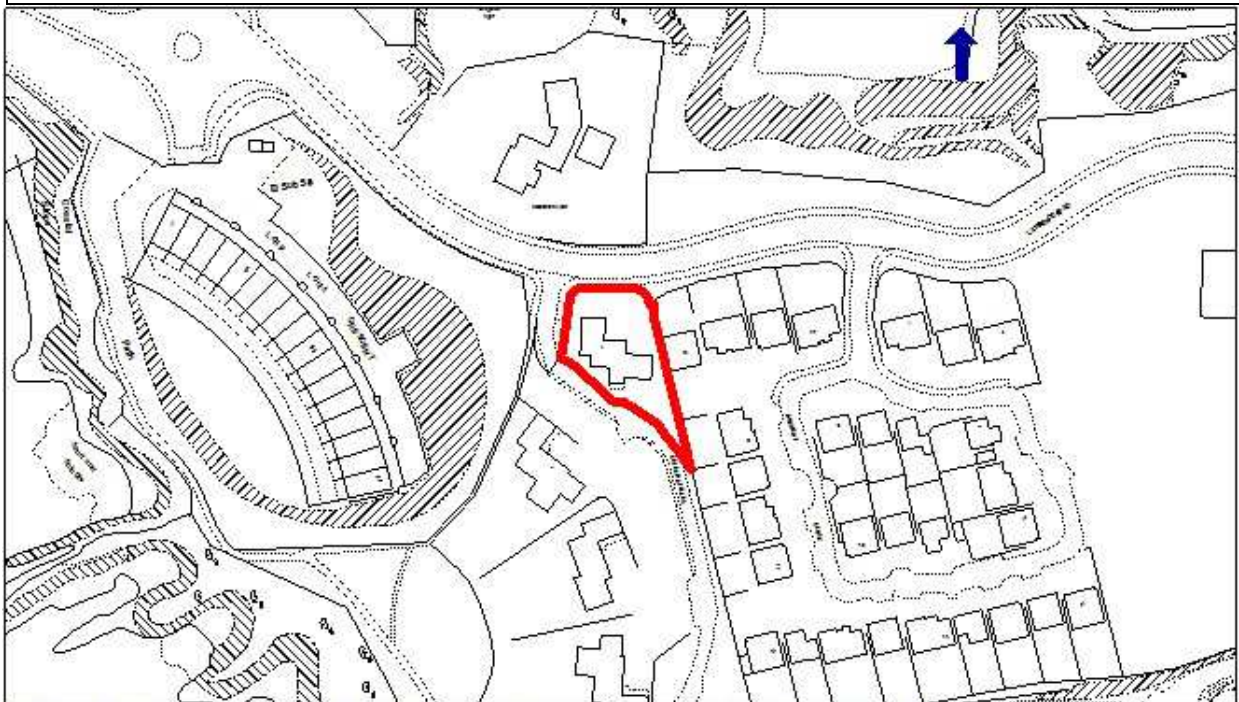
**8/13 Week Date:** **13/03/2014**

**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 Michael Leaves.**

### **Site Description**

The property is a large detached house on a corner site, part of a small gated community in the Turnchapel, Hooe and Oreston neighbourhood. The levels rise sharply from west to east, so that the ground floor of the nearest neighbour in Durwent Close is approximately 2 - 2.5 metres above that of the applicants and separated by a steep bank. The house was built in the early part of the century and consists of a two storey central core with single storey wings, one of which forms a double garage.

### **Proposal Description**

Proposed extension over existing garage. The height of the garage roof would be raised by 1.5 metres, 2 dormers would be added to the south elevation and 2 windows to the north elevation.

### **Pre-Application Enquiry**

13/02205/HOU - a suitably designed extension over the garage that respected neighbour amenity would be acceptable. No plans were submitted at this stage.

### **Relevant Planning History**

99/01579/FUL – Erection of two storey dwelling and garage (Plot 6) - appeal for non-determination, appeal dismissed and planning permission refused. The inspector did not feel that the two storey dwelling would materially affect the local views within the vision corridor but did agree that it would appear dominant and oppressive to the occupants of the neighbouring property.

99/01613/FUL - Detached dwelling - plot 6 (duplicate application) – Refuse, adverse impact on the character of the area and impact on neighbour amenity.

00/01291/FUL - Erection of dwelling and double garage (plot 6) – Grant conditionally.

### **I Catalina Villas**

12/00306/FUL - Two-storey side and rear extension incorporating balcony; and single-storey front extension – Grant conditionally.

### **Consultation Responses**

None requested

### **Representations**

17 Letter of objection have been received. The main concerns raised are:

- It would establish an unwelcome precedent,
- The development would adversely impact established vision corridors,
- It would be contrary to previous planning decisions,
- Loss of privacy and loss of light to 41, Durwent Close,
- Noise nuisance,
- Reduction in the value of neighbouring properties,

- Impact on the foundations of 41, Durwent Close.

The impact of the development on property values and the concerns about the foundations are not material planning considerations.

### **Analysis**

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.
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.
3. 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.

### **Impact on the character and appearance of the area.**

4. The proposed extension would be visible from the main road to the north but in its appearance it will follow the appearance of and use materials to match the existing house in line with the guidance in the Development Guidelines SPD. The enlarged garage is not considered to have an adverse impact on the streetscene.

### **Impact on neighbour amenity.**

5. There are fine views from the area across to Plymouth Sound to the west and the Cattewater to the north but private views cannot be protected by the planning system. In his appeal decision for the non-determination of 99/01579/FUL the inspector differentiated between these private views and significant local views. The council's policy on these public views was set out in the old Local Plan First Alteration (1996) policy AEV 31.4. This stated that there was a "need to protect significant local views, vistas and panoramas which would be adversely affected by new proposals." Elements of this policy have been carried forward to Core Strategy policy CS02.2 with its requirement that new development should "Protect important local and longer-distance views." The inspector concluded that "In the light of all the evidence it seems to me that the proposed dwelling on Plot 6 would not materially affect the significant local view from public vantage points within the northern vision corridor."

6. The only neighbour impact would be on the property to the east, 41, Durwent Avenue. As stated above this house sits above and slightly behind the application site. There are a number of windows facing the garage and the site of the proposed extension. Based on the case officer's site visit most of the windows serving habitable rooms appear to be dual aspect with light reaching the rooms from two sides. The ridge height of the extension has been kept below that of the main house in order to maintain subordination and reduce impact on neighbours. It is therefore not felt that the proposed extension would have any impact in terms of loss of light to the neighbouring property.
7. The originally submitted plans proposed an extension that would have featured a large Juliet balcony on the rear (north) elevation. This was felt to offer scope for overlooking of the neighbours conservatory. An amendment was negotiated by officers that replaced the balcony with a single window that was angled away from the neighbouring property. Officers consider that this change will address any possible loss of privacy concerns.
8. The new rear windows on the extension would face north; the nearest neighbour is estimated as being 30 metres away so officers consider that there would not be any impact here.
9. In February 2000 an application for a similar development to that proposed (99/01613/FUL) was refused on the grounds of adverse impact on neighbour amenity and loss of views and vistas. The refusal reasons were based on the policies in the Local Plan First Alteration (1996). This has been superseded by the Local Development Framework, the Development Guidelines Supplementary Planning Document (SPD) and the National Planning Policy Framework (NPPF). Paragraph 14 of the NPPF states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking." It continues "For decision-taking this means approving development proposals that accord with the development plan without delay." Based on the case officer's site visit and the amended plans it is considered that the proposal is in accord with policy CS34 and the Development Guidelines SPD and, on balance, should be recommended for approval.

### **Human Rights**

10. 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**

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

### **Equalities and Diversities**

None.

### **Conclusions**

The proposal is for a marginal increase in the size of the property that is not considered to be harmful to neighbour amenity or to the streetscene and is therefore recommended for approval.

### **Recommendation**

In respect of the application dated **16/01/2014** and the submitted drawings 2587/1 Rev A, 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: 2587/1 Rev A.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

#### **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 [including pre-application discussions] 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).