

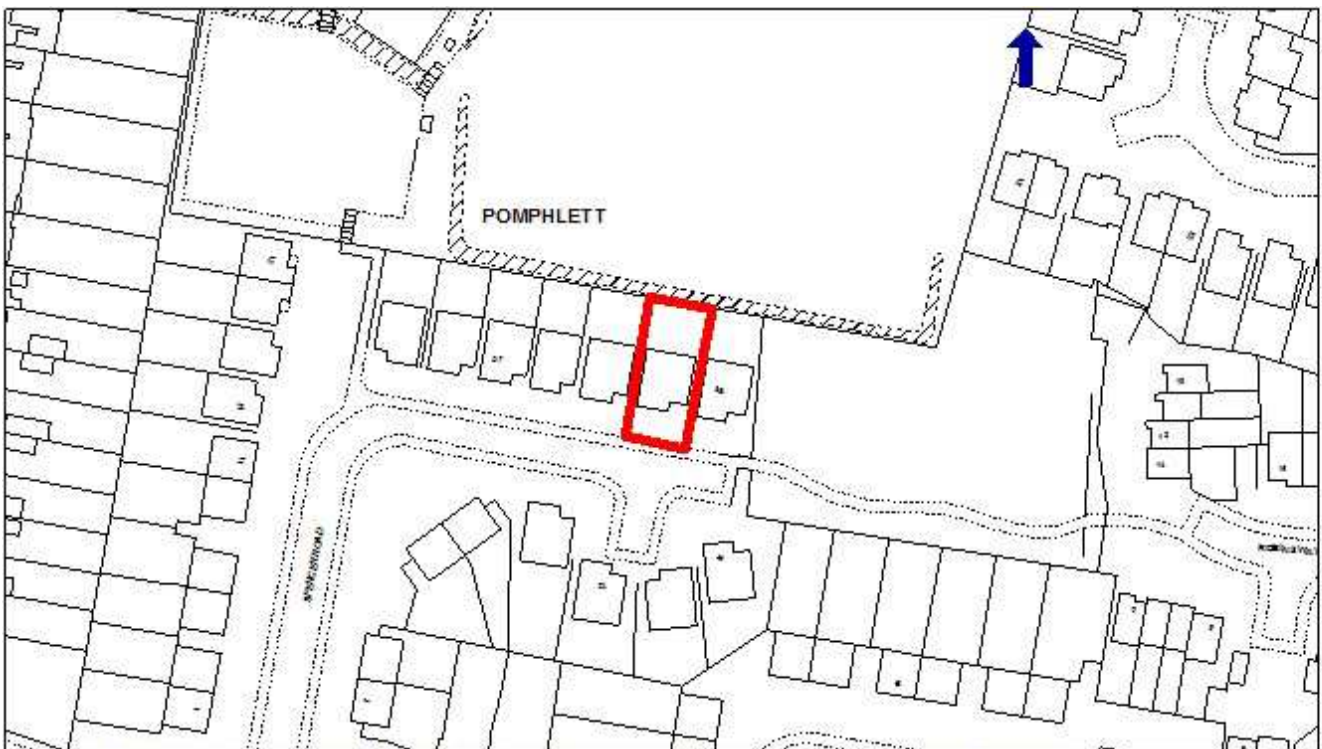
PLANNING APPLICATION REPORT



Application Number	14/00618/FUL	Item	01
Date Valid	08/04/2014	Ward	Plymstock Radford

Site Address	33 SPENCER ROAD PLYMOUTH		
Proposal	Demolition of rear conservatory and construction of single storey rear extension		
Applicant	Mr & Mrs Donald		
Application Type	Full Application		
Target Date	03/06/2014	Committee Date	Planning Committee: 15 May 2014
Decision Category	Member/PCC Employee		
Case Officer	Liz Wells		
Recommendation	Grant Conditionally		

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This application has been brought to committee because the applicants are employees of Plymouth City Council.

1. Description of site

33 Spencer Road is a modern detached residential dwelling in Plymstock. The property is bounded by neighbouring properties, 31 and 35 to the west and east, respectively, and backs onto playing fields to the rear (north).

2. Proposal description

Demolition of rear conservatory and construction of single storey rear extension.

The proposal is to create a garden room. The dimensions of the proposal are approximately 4m deep by 4.6m wide, 2.4m to eaves and 3.3m high with a door to the west side and window to the rear.

3. Pre-application enquiry

None.

4. Relevant planning history

No relevant planning history for this property.

5. Consultation responses

No consultation responses requested or received for this application.

6. Representations

No letters of representation received in respect of this application.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex I to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents (SPD) are also material considerations to the determination of the application:

- Development Guidelines First Review 2013

8. Analysis

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, the Development Guidelines SPD and is considered to be compliant with National Planning Policy Framework guidance.

The main considerations in assessing this proposal is the impact on the neighbouring properties amenities. The most relevant policy of the Core Strategy is CS34.

The proposal will be almost a direct replacement for the existing conservatory but will provide a better insulated space that can be used for a greater part of the year.

The proposal is not considered to result in any unreasonable impact on neighbouring properties. The existing boundary fences will prevent any loss of privacy. The height, orientation and set in from the boundaries means the proposal is not considered to result in any significant loss of light or outlook to these neighbours.

The proposal will not be visible from the streetscene, nor the school playing fields due to the existing high boundary fence. Sufficient garden space will remain for the occupants amenity. Proposed design and materials in keeping with the existing house.

The proposal has been considered on its merits, however it is also noted that it is within the permitted development allowances for rear extensions and therefore could be implemented without the need for a planning application.

There is an existing decking area which is raised less than 0.3m above the garden level which does not form part of the proposal description.

9. Human Rights

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. Local Finance Considerations

- New Homes Bonus – not applicable to this application.
- Community Infrastructure Levy – there is no charge for this proposal under the current charging schedule.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been sought in respect of the following matters:

- Not applicable to this proposal

12. Equalities and Diversities

None.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords / does not accord with policy and national guidance and specifically does not lead to any unreasonable impact on neighbouring properties amenities and is therefore recommended for approval in accordance with the submitted plans.

14. Recommendation

In respect of the application dated **08/04/2014** and the submitted drawings location 1, site plan, planapp1 (existing) and proposed plans and elevations planapp2, it is recommended to: **Grant Conditionally**

15. 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: location 1, site plan, planapp1 (existing) and proposed plans and elevations planapp2.

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.

Informatives

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: 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).

INFORMATIVE: UNCONDITIONAL APPROVAL

(3) 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.