

PLANNING APPLICATION REPORT



Application Number 14/00093/FUL

Date Valid 24/03/2014

Item 05

Ward Plymstock Dunstone

Site Address 31 FURZEHATT WAY PLYMOUTH

Proposal Retrospective application for decking, fencing and wall to rear garden

Applicant Mr Roland Ward

Application Type Full Application

Target Date

19/05/2014

Committee Date

Planning Committee: 15 May 2014

Decision Category Member Referral

Case Officer Jody Leigh

Recommendation Grant Conditionally

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This planning application has been referred to committee by ward member Cllr Nigel Churchill.

1. Description of site

31 Furzehatt Way is a detached bungalow on a corner plot in the Plymstock Dunstone Ward of the city. The developments as existing are to the rear of the house, mostly on the southern boundary. The site slopes from the north to the south west. The house sits on an estate of similar well-maintained bungalows dating from the mid-late 20th century.

2. Proposal description

Retrospective application for decking, fencing and a garden wall

3. Pre-application enquiry

Discussions during compliance case 13/01904/OPR advising elements requiring planning permission.

4. Relevant planning history

13/01904/OPR Fence. Ongoing enforcement case

13/01721/OPR Erection of shed. Closed enforcement case

5. Consultation responses

None

6. Representations

3 letters of representation received

- Previous fencing sufficient to ensure privacy
- New walls too high and not in keeping
- Garden shed should have been included in application
- Fence overbearing
- Height and appearance of fence and shed not acceptable
- Loss of light to garden

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 are also material considerations to the determination of the application:

- Development Guidelines Supplementary Planning Document First Review (2013)

8. Analysis

1. 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.

Is the development acceptable in principle?

2. The area is residential in character and the fencing and decking would be in keeping with the enjoyment of a residential garden.

Is the design acceptable?

3. The development in existence is located at the rear and side of the house and only one element, the new wall, is visible from the street. Any impact from the design is likely to be seen only from the neighbouring property to the south at number 33 Furzehatt Way. Given that the fencing is to the north of the neighbouring property it is felt that there would be no significant loss of light to the number 33.

4. With regard to the new wall, materials used (concrete) match the construction of the house in line with guidance in the SPD. It does not appear to impact on the street scene given that it is set well back from the road and appears sympathetic to the design of the house.

5. With regard to the timber fencing and decking materials are considered to be appropriate to the construction of these elements. It is felt however that there is an overbearing impact on the neighbour at number 31 from the height of the fencing which reaches approximately 3m from the ground level of the applicant's property. Due to a change in levels between properties this height is exaggerated from the neighbour's side. Officers have therefore negotiated with the applicant to reduce the height of the fence. The applicant has provided amended plans to show the agreed reduction. The reduction will be conditioned with a time constraint. Three months is considered appropriate.

6. With regard to the decking it is felt that this is appropriate and not overbearing on the neighbour. With the reduction in height of the fence the decking will benefit from screening along most of its length of 1.75m, with the western-most panel reduced by an additional 20cm. This will result in a height from original ground level of between approximately 2m and 2.5m. The close boarded fencing will be reduced by 30cm giving a height of approximately 2.1m from ground level.

7. It is noted that a shed has been constructed as part of the development but that as it is approximately 2.5m in height from the original ground level it is considered to be Permitted Development and so does not form part of this application. As a good will gesture the applicant has agreed to render the rear of the shed to match the rest of the shed in an effort to approve its appearance.

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

n/a

10a. Planning Obligations

n/a

11. Equalities and Diversities

n/a

12. 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 with policy and national guidance and specifically paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay.

The amended design reduces the overbearing impact of the whole development on the neighbouring property. Reduction of the existing fencing will be required by condition.

13. Recommendation

In respect of the application dated **24/03/2014** and the submitted drawings Site location plan licence number 100047474; Block Plan labelled 'Block Plan - 31 Furzehatt Way scale 1/500; Plans and elevations labelled as 'Date 18th March 2014 amended 24/4/14', it is recommended to: **Grant Conditionally**

14. Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: those labelled as 'Date 18th March 2014 amended 24/4/14'

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.

DEVELOPMENT TO BE COMPLETED WITHIN 3 MONTHS

(3) The development hereby permitted should be completed within three months from the date of this permission.

Reason:

To meet the guidelines set out in the Development Guidelines Supplementary Planning Document First Review 2013.

Informatives

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

(1) 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: REMOVAL OF PART OF EXISTING FENCE

(2) For the avoidance of doubt the existing fence will be reduced in height. Trellis section will be removed from the 2 fence panels nearest the shed. The third fence panel, nearest the street, will have the trellis removed plus a further 20cm. The close boarded fencing will be reduced by 30cm.

INFORMATIVE: CONDITIONAL 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 with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.