

PLANNING APPLICATION REPORT



Application Number	14/01004/FUL	Item	02
Date Valid	04/06/2014	Ward	Moor View

Site Address	9 PETHILL CLOSE EARLSWOOD MAINSTONE PLYMOUTH		
Proposal	Proposed first floor extension		
Applicant	Mr and Mrs M Fox		
Application Type	Full Application		
Target Date	30/07/2014	Committee Date	Planning Committee: 17 July 2014
Decision Category	Member/PCC Employee		
Case Officer	Mike Stone		
Recommendation	Grant Conditionally		

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This application has been referred to the Planning Committee because the applicant is a Councillor.

1. Description of site

9, Pethill Close is a two-storey detached property with a single storey side extension that incorporates a garage. It is located towards the end of a cul-de-sac in the Leigham and Mainstone neighbourhood. The flat roof of the rear part of the extension forms a large patio/terrace area. This runs roughly half the width and half the depth of the property and forms part of a rear balcony that continues along the full width of the house. The house is well separated from neighbouring properties and has a large rear garden that faces Mainstone Woods.

2. Proposal description

Proposed first floor extension. The proposal would see a new bedroom built on the current patio/terrace. The rear balcony would remain and the existing railings would be replaced with a steel and glass balustrade.

3. Pre-application enquiry

None.

4. Relevant planning history

02/01023/FUL - Single storey extension, including formation of balcony on roof – Grant conditionally.

5. Consultation responses

None requested.

6. Representations

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 1 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 SPD (First Review) May 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.

2. Is the design acceptable?

The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area. In the case officers' view there are no neighbour or streetscene concerns.

3. Impact on neighbour amenity.

The only property affected by the development would be the neighbour to the north east, No. 8. Currently there is considerable overlooking of the side and rear garden of No. 8 from the open terrace at first floor level on the subject property. The proposed extension would not have any side facing windows so would help to reduce the overlooking problem here.

The roof of the extension would be below the level of the roof of the main house so would not raise any loss of light or overbearing appearance concerns.

The rear elevations of both properties are roughly south facing so there would be no loss of light to the neighbour.

4. Impact on the character and appearance of the area.

The house is set back approximately 8 metres from the road. The only visible change from the front would be the increase in the height of the ridge of the extension roof by 900mm. The new roof would use materials to match the existing in line with the guidance in the Development

Guidelines SPD. It would also, in the view of officers, help to soften the appearance of the existing side chimney that currently dominates this side of the house.

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

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

11. Planning Obligations

Not applicable.

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 with policy and national guidance and specifically the Local Development Framework Core Strategy 2007 policy CS02 (Design) and CS34 (Planning application considerations); the Development Guidelines SPD and the Design SPD and is considered to be compliant with the National Planning Policy Framework guidance. The application would not have an adverse impact on the character of the area or on neighbour amenity and it is recommended for approval.

13. Recommendation

In respect of the application dated **04/06/2014** and the submitted drawings Site location plan, site plan, I3038/01, I3038/02, I3038/03, I3038/04, it is recommended to: **Grant Conditionally**

14. 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 plan, I3038/01, I3038/02, I3038/03, I3038/04.

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: 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).