

PLANNING APPLICATION REPORT



Application Number 14/01263/FUL

Date Valid 11/07/2014

Item 02

Ward Egguckland

Site Address 120 CHURCH HILL PLYMOUTH

Proposal Erection of first floor extension to dwelling

Applicant Mr & Mrs N Bridgeman

Application Type Full Application

Target Date

05/09/2014

Committee Date

Planning Committee: 14 August 2014

Decision Category Member/PCC Employee

Case Officer Mike Stone

Recommendation Grant Conditionally

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This application comes before the Planning Committee because the applicant is Cllr Bridgeman.

1. Description of site

The property is a two-storey semi-detached dwellinghouse in the Egguckland neighbourhood. Land levels fall away steeply from back to front (north east to south west) so that the house is elevated roughly 2 metres above the level of the road. There is a detached garage to the side and rear of the house and a single storey rear extension (02/00635/FUL). The neighbouring property to the south east is Bowden Farm, a grade II listed building.

2. Proposal description

Erection of first floor extension to dwelling. The proposed extension would be elevated on pillars leaving a void below allowing access to the garage behind. The extension would be 6 metres deep and 3 metres wide.

3. Pre-application enquiry

14/00966/HOU – First floor extension to side over driveway. This was a similar design to that submitted, two options were proposed, one with a flat roof and one with a hipped roof. The hipped roof option was recommended. An application that respected neighbour amenity and the character of the area was considered to be acceptable.

4. Relevant planning history

02/00635/FUL – Single-storey rear extension – Grant conditionally.

5. Consultation responses

Transport and Highways – No objections – a condition requiring the car parking area below the undercroft to be made available before the extension is occupied has been recommended.

Public Protection Service – recommend approval.

6. Representations

None currently received.

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 policies CS02 (Design) and CS34 (Planning application considerations), and is considered to be compliant with National Planning Policy Framework guidance.
2. Is the design acceptable?
3. **Impact on neighbour amenity.**

The closest property to the development would be the neighbour to the south east, Bowden Farm, a 17th century grade II listed farmhouse. Bowden Farm is set at 90 degrees to the subject property and has windows facing the space where the extension would go. SPD guidance recommends a minimum distance between habitable room windows and blank walls of at least 12 metres. Based on the submitted block plan the distance between Bowden Farm and the side wall of the proposed extension is exactly 12 metres and on our GIS it is just over 12 metres. No side windows are proposed and the extension would remove an existing first floor side window so would improve privacy levels. The extension would be below the roof height of the main house so would not result in any loss of light to Bowden Farm. At the rear of the extension a small window is shown that would provide light to a storage area. There would be scope for some overlooking of properties to the rear in Mayfair Crescent so a condition has been added requiring this window to be obscure glazed.

Officers do not consider that there would be a detrimental impact on neighbour amenity.

4. Impact on the character and appearance area.

The proposal is for a side extension at first floor level raised on legs to allow access to the driveway and detached garage. The design is unusual but not unique in the city. Because of the raised position of the house the new element would be visible but would be well setback from the front of the house. The Development Guidelines SPD states that side extensions should appear subordinate to the main house and recommends the use of setbacks to achieve this. The proposal includes a setback from the front elevation and a set down from the main house roof. The extension would also use materials to match the appearance of the house. It is considered by officers the development complies with SPD guidance and would not have an adverse impact on the character and appearance of the area.

Officers do not feel that there would be any impact on the listed building.

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

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.

No planning obligations have been sought.

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 policies CS02 (Design) and CS34 (Planning application considerations) and paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The proposal would not have an adverse impact on neighbour amenity or the character of the area and is recommended for approval.

13. Recommendation

In respect of the application dated **11/07/2014** and the submitted drawings 14/06/BRI/PLAN/01A, 14/06/BRI/PLAN/01, 14/06/BRI/PLAN/02, 14/06/BRI/PLAN/03, 14/06/BRI/PLAN/04, 14/06/BRI/PLAN/05, 14/06/BRI/PLAN/06, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/06/BRI/PLAN/01A, 14/06/BRI/PLAN/01, 14/06/BRI/PLAN/02, 14/06/BRI/PLAN/03, 14/06/BRI/PLAN/04, 14/06/BRI/PLAN/05, 14/06/BRI/PLAN/06.

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.

Pre-occupation Conditions

PRE-OCCUPATION: CAR PARKING PROVISION

(3) The building shall not be occupied until the car parking area below the undercroft as shown on the approved plans has been made available for the purpose of car parking in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: OBSCURE GLAZING

(4) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the window at first floor level in the north east elevation of the proposed extension, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(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 imposed planning conditions to enable the grant of 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).