

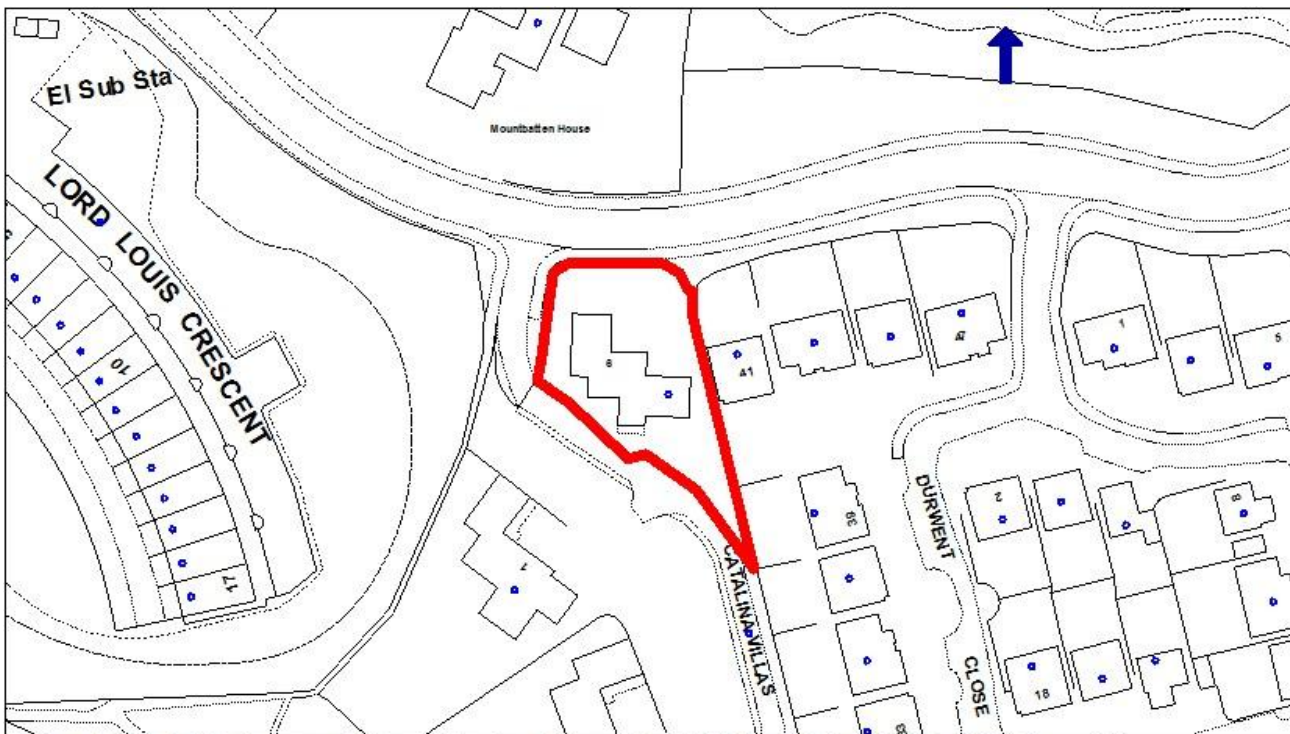
# PLANNING APPLICATION REPORT



<b>Application Number</b>	14/01952/FUL	<b>Item</b>	04
<b>Date Valid</b>	22/10/2014	<b>Ward</b>	Plymstock Radford

<b>Site Address</b>	6 CATALINA VILLAS PLYMOUTH		
<b>Proposal</b>	First floor rear extension		
<b>Applicant</b>	Ms J Mikus		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>17/12/2014</b>	<b>Committee Date</b>	<b>Planning Committee: 20 November 2014</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Liz Wells		
<b>Recommendation</b>	Grant Conditionally		

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This application has been referred to Planning Committee by Cllr Michael Leaves.

## **1. Description of site**

6 Catalina Villas is a detached residential dwelling in the Mount Batten area of Plymstock (Plymstock Radford ward) of the city. The vicinity of the site is residential. The property is bounded by 41 Durwent Close to the east and by the main feeder road to this area to the north, Lawrence Road. The land level falls to the north and west of the site.

The property faces south at the front, onto Catalina Villas – a private cul-de-sac. The house is split-level, with an existing living room at the upper level, and the kitchen and bedrooms at the lower floor level.

## **2. Proposal description**

First floor rear extension.

The proposal is to form a sitting room at the upper floor level on the northwest part of the existing building, above an existing en-suite bedroom. The dimensions of the extension are approximately 6.5m square. The proposal has a pitched roof and materials matching the existing house, with two windows in north (rear) elevation, a door onto the existing balcony in the south (front) elevation, and a sliding door with Juliet balcony on the west facing elevation.

## **3. Pre-application enquiry**

Some informal pre-application following the refusal of the previous application proposal.

## **4. Relevant planning history**

This application follows a recent application for an extension over existing garage (application reference I4/00071/FUL) which was refused and a subsequent appeal dismissed.

## **5. Consultation responses**

None.

## **6. Representations**

Six letters of representation have been received in respect of this application, from properties in Durwent Close and Borrington Road, objecting to the proposal on the following grounds:

- The bulk and mass of the new extension will have an overbearing effect on no 41 Durwent Close.
- Setting a precedent for further developments in Catalina Villas which could well effect the integrity of the already established viewing corridors from St John's Road and Durwent Close to the sea.
- This current application is similar to one that was recently rejected by the planning committee namely I4/00071/FUL and on appeal, therefore the criteria for rejection should still stand with regard to this application.
- Furthermore the current application would restore the property to that which was rejected by a planning enquiry in I999/2000.

- The proposal would cause serve personal and financial hardship to 41 Durwent Close and other affected neighbours.

**The application is still within the public consultation period at the time of writing this report. If further representations are received, an addendum report will be prepared or the committee will be updated verbally at the meeting.**

## 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 (SPDs) are also material considerations to the determination of the application:

- Development Guidelines SPD First Review 2013

## 8. Analysis

### 1.0 Policy and Main Considerations

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

1.2 The main consideration in assessing this proposal is the impact on the amenities of the neighbouring properties and the impact on the established vision corridor to the sea from public vantage points from St John's Road and Durwent Close.

1.3 The recent refusal and appeal decision on this property form a material consideration in assessing this proposal and it is important to assess whether this revised proposal overcomes the refusal reason of the previous scheme. The reason for refusal was that the proposed extension, by virtue of its height and proximity, would appear dominant and overbearing when viewed from habitable room windows at 41 Durwent Close, contrary to paragraph 4 of Core Strategy Policy CS34 in terms of 'scale and massing.' The inspector agreed that the proposed extension would appear prominent and intrusive when viewed from the ground floor of the neighbouring property. The inspector did not accept that the development would have any impact on significant local views or that approval would have established an unwelcome precedent, each case being treated on its own merits.

## 2.0 Neighbouring amenities

2.1 The closest and most affected neighbour is 41 Durwent Close to the east. The proposed extension is set over 10 metres away from the boundary with that property and is oriented to the west-north-west of that property. Given this separation, orientation and height, and relatively higher ground level of no. 41, officers do not consider the proposal will result in an unreasonably overbearing or dominant impact when viewed from no. 41's garden or the house, nor an unreasonable loss of light to the property or garden. The refusal reason on the previous scheme is considered to have been overcome by the revised scheme due to the significant increase in the separation from that neighbour – the revised scheme being set on the far side of the house from no. 41.

2.2 The proposal may result in some increased overlooking to the garden of Mount Batten House to the north, however no windows are proposed in the east side elevation (facing no. 41) and future windows in this side would be restricted under permitted development allowances to be obscure glazed. Windows/doors facing west and south will overlook the open front garden of no. 1 Catalina Villas. Proposed windows are over 21 metres and have an angled relationship with windows of properties to the north and southwest, and therefore in accordance with the Development Guidelines SPD, officers do not consider these windows will result in any unreasonable loss of privacy to neighbouring properties.

## 3.0 Public Vision Corridor

3.1 Officers have viewed the site from the public road of Durwent Close, Lawrence Road and from the approach from the east from St John's Road. Officers do not consider the public view of Plymouth Sound, Drakes Island and southeast Cornwall will be significantly affected as a result of these proposals.

3.2 Planning policy does not protect private views.

## 4.0 Other issues

4.1 The proposed design is considered by officers to be in keeping with the style, design, materials and detailing of the existing property, subordinate to the existing house and not harmful to the local streetscene.

4.2 Concern has been raised in letters of representation about the precedent an approval may set for future development and the impact on the established viewing corridors. Each application is assessed on its merits, as in this case, and an approval does not set a precedent for approval of similar applications in this area.

4.3 Loss of property value is not a material planning consideration.

## 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

None:

- This proposal will not attract a Community Infrastructure Levy under the current charging schedule.
- No New Homes Bonus generated by this proposal.

## 11. Planning Obligations

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 with policy and national guidance and specifically does not result in an unreasonable impact on neighbouring properties amenities or a public vista.

## 14. Recommendation

In respect of the application dated **22/10/2014** and the submitted drawings Proposed and Existing Plans and Elevations and Site Location Plan drawing 2587/3, it is recommended to: **Grant Conditionally**

## **15. 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: Proposed and Existing Plans and Elevations and Site Location Plan drawing 2587/3.

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: 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: UNCONDITIONAL APPROVAL -APART FROM TIME LIMIT AND APPROVED PLANS**

(2)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.