

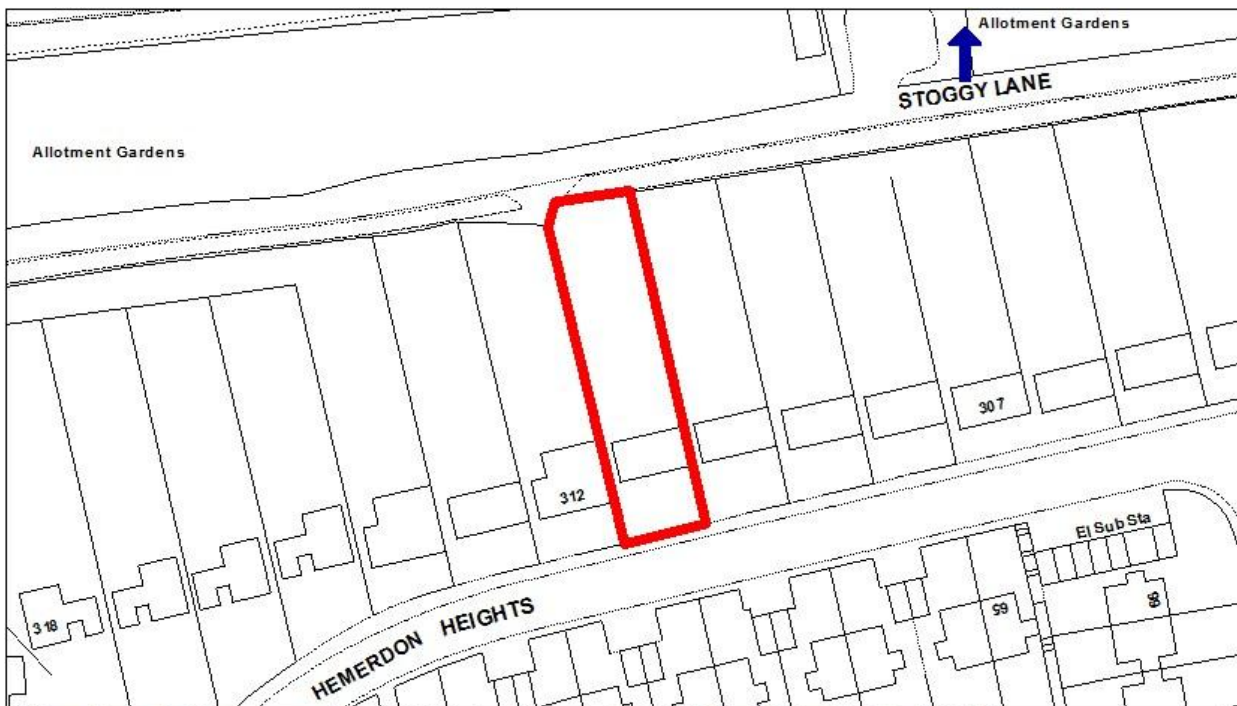
PLANNING APPLICATION REPORT



Application Number	14/02054/FUL	Item	03
Date Valid	27/10/2014	Ward	Plympton St Mary

Site Address	311 HEMERDON HEIGHTS PLYMOUTH		
Proposal	One storey rear extension, conversion of garage into habitable area, and rear decking		
Applicant	Mr Mark Secker		
Application Type	Full Application		
Target Date	22/12/2014	Committee Date	Planning Committee: 15 January 2015
Decision Category	Member Referral		
Case Officer	Opani Mudalige		
Recommendation	Grant Conditionally		

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This application is being brought before the Planning Committee at the request of Councillor Patrick Nicholson.

1. Description of site

Located in the Colebrook Newnham & Ridgeway neighbourhood, 311 Hemerdon Heights is a two-storey detached dwellinghouse. The second storey is accessed from the street level. The slope of the property declines steeply from the front of the property to the rear of the dwellinghouse, and then further declines, more gradually, to the rear boundary. The area is predominately residential though the rear boundary borders an area of community gardens adjacent to a railway and has commercial activity to the north.

2. Proposal description

Proposed is a one-storey triple gable rear extension projecting approximately 5.7m from the rear dwellinghouse wall, and spanning almost the length of the rear facade. The amended proposal sets-in the extension 200mm from the sides of the existing dwellinghouse. Additionally proposed is a rear deck and steps to access the rear garden due to the elevation change. The deck projects approximately 1.2m from the rear wall of the proposed extension, and sits approximately 0.9m above ground. The conversion of the existing garage into habitable space, and a change in roof to the front porch from flat roof to pitched roof are also proposed.

3. Pre-application enquiry

None.

4. Relevant planning history

None.

5. Consultation responses

Local Highway Authority – no objection

6. Representations

Six letters of objection, two of which were from the same addressee, were received raising material planning concerns about:

- Loss of light
- Overbearingness
- Loss of Privacy
- Outlook

These concerns have been addressed in the report.

The letters also raised non-material planning concerns about:

- Precedence
- Impact to shared Hedge Boundary
- Drainage

- House values

The officers have sought an amendment that sets-in the extension on either side of the main dwellinghouse, and further, an informative with regards to the Party Wall Act has been included in the recommendation.

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines Supplementary Planning Document First Review (May 2013).

8. Analysis

1. This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Local Development Framework Core Strategy 2007, CS02 (Design) and CS34 (Planning Application Considerations), the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021, and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013), the Framework and other material policy documents as set out in Section 7.
2. The main consideration in assessing this proposal is the impact on the character of building and area and on the amenities of neighbouring properties.

Character

3. The Development Guidelines Supplementary Planning Document (SPD), states that rear extensions should be "in keeping with the main dwelling and the character of the area" (2.2.51). The proposed extension is larger than other rear extensions for properties along the street. The design proposes to almost double the lower ground floor layout. However, at one storey in height, and with a substantial rear garden space of over 25m, the scale of the proposed extension is unlikely to impact the character of the building and property. As it is to the rear of the property and set in at both sides, the extension will not be seen from the street-scape and hence officers consider it will not impact on the character of the area. With the roof extension to the main dwellinghouse, the proposed extension additionally brings symmetry to the rear of the property.
4. While all the homes on the north side of the street share a set architectural character, the proposed conversion of a garage into a habitable space, and the proposed rear decking, are considered by officers not to adversely impact on the character of the area.
5. Officers consider that the proposed change from a flat roof to a pitched roof, set down from the main ridge height, for the front porch, will not impact on the character of the building. Additionally, as other front porches along the street have varied styles of porch roofs, the proposal is not considered to impact on the character of the area.
6. The materials proposed for the extension, roof and other works are similar to the existing materials used for the main dwellinghouse, and hence for this reason, and for the above noted reasons, it is considered that the proposal will not impact on the character of the area and building, and is considered acceptable.

Neighbour Amenity

7. The proposed one-storey extension has the potential to impact on the amount of light to the neighbouring properties at 310 and 312 Hemerdon Heights. However, the 45-degree guide was used to assess the impact. Considering the main source of light for the habitable rooms of these neighbouring properties, officers concluded that the proposed extension would not

create a significant loss of light to these properties. Additionally with an existing high hedge border on either side of the subject property, it is considered that the proposed extension will not greatly alter the current amount of light enjoyed by neighbouring properties.

8. The design of the extension proposes no windows to the side elevations. As the extension does not follow the slope of the property, the windows facing the rear may slightly increase the overlooking onto neighbouring properties, however, as it faces towards the bottom of these gardens, the proposed extension is not considered to have a significant impact to the current overlooking between the rear of properties and with a high hedge border the property on both sides it is unlikely to significantly impact on the neighbours' privacy.
9. The raised rear deck and steps have the potential to impact the privacy of neighbouring properties. However, as with the extension, the deck to be situated centrally along the proposed extension would only overlook the rear of the subject garden and may slightly increase the overlooking on the rear neighbouring gardens, however is not considered significant. Additionally as the deck is approximately only 0.3m higher than the existing steps, and centred further into the site than the existing steps, and it is considered unlikely to impact the current overlooking between the properties.
10. The proposed garage conversion will replace a garage door with a window that overlooks the street and is not considered to impact neighbours' amenity.

Permitted Development Rights

11. To future safeguard the impact of this development on neighbours and the impact to the character of the neighbourhood, it is proposed that Permitted Development rights be removed for this property.

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 paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The application is recommended for approval.

14. Recommendation

In respect of the application dated **27/10/2014** and the submitted drawings 38/020-3, 38/020-2 Issue 02 (received 01-Dec-2014), 38/020-1 Issue 03 (received 01-Dec-2014), 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: 38/020-3, 38/020-2 Issue 02 (received 01-Dec-2014), 38/020-1 Issue 03 (received 01-Dec-2014)

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.

CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

(3) Notwithstanding the provisions of Article 3 and Classes A, B and C 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), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the extended dwelling hereby approved.

Reason:

In order to future safeguard the impact on neighbour amenity and the impact to the character of area, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120-123 of the National Planning Policy Framework 2012.

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: CONDITIONAL APPROVAL (NO NEGOTIATION)

(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 and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: PROPERTY RIGHTS

(3) 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.