

# PLANNING APPLICATION REPORT



**Application Number** 15/00566/FUL

**Date Valid** 30/03/2015

**Item** 02

**Ward** Plymstock Radford

**Site Address** 33 UNDERLANE PLYMSTOCK PLYMOUTH

**Proposal**

Demolition of existing conservatory and erection of reduced footprint rear extension of solid construction

**Applicant**

Mr and Mrs D Brook

**Application Type**

Full Application

**Target Date**

**25/05/2015**

**Committee Date**

**Planning Committee: 04  
June 2015**

**Decision Category**

Member/PCC Employee

**Case Officer**

Amy Thompson

**Recommendation**

Grant Conditionally

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## **1. Description of site**

33 Underlane is a two-storey detached property located in the Plymstock area of Plymouth. The streetscene of this locality is varied with a variety of single and two-storey properties.

## **2. Proposal description**

Demolition of existing conservatory and erection of reduced footprint rear extension of solid construction

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

None.

## **4. Relevant planning history**

02/00056/FUL- Rear conservatory. Granted conditionally.

## **5. Consultation responses**

None.

## **6. Representations**

None.

## **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

## 8. Analysis

(1) This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

(2) The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1<sup>st</sup> review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.

(3) The proposal seeks to demolish the existing conservatory and replace it with a rear extension of a reduced footprint. The proposed rear extension will be the same depth as the existing conservatory at approximately 5 metres but its width will be reduced from approximately 7.2 metres to 4.4 metres. The proposed height of the rear extension will match the existing ridge line.

(4) The proposed extension is not considered to impact on the neighbour amenity. The proposal falls within the 45 degree SPD guidelines, and is also considered acceptable having taken into account other relevant daylight impact factors such as orientation, position and scale of development. The proposal will also not have a significant impact on the surrounding neighbours outlook or privacy.

(5) The proposal is considered to not be detrimental to the character and appearance of the property and surrounding area. The extension will not be visible from the public view as it is situated at the rear of the property, where it wouldn't ruin the street-scene. The proposal is considered to be in keeping with the original dwelling in terms of materials.

## 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

This development is not liable for a Community Infrastructure Levy Contribution.

## 11. Planning Obligations

Not applicable.

## 12. Equalities and Diversities

No equality and diversity issues to be considered in this case.

## 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. The application is recommended for conditional approval.

## 13. Recommendation

In respect of the application dated **30/03/2015** and the submitted drawings Site location plan, SK02, 1511.SK03, 1511.SK06, 1511.EX05, 1511.EX06, 1511.SK05A, 1511.SK07, 1511.EX07, 1511.EX04, 1511.SK04, 1511.EX03, 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: Site location plan, SK02, 1511. SK03, 1511.SK06, 1511. EX05, 1511.EX06 , 1511. SK05A, 1511.SK07, 1511.EX07, 1511.EX04, 1511.SK04, 1511.EX03

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).