

# PLANNING APPLICATION REPORT



**Application Number** 15/02009/FUL

**Date Valid** 28/10/2015

**Item** 01

**Ward** Plymstock Radford

**Site Address** 20 ST JOHNS DRIVE PLYMOUTH

**Proposal** Single storey extension - revision to application 14/02148/FUL

**Applicant** Mr & Mrs John Douglass

**Application Type** Full Application

**Target Date**

**23/12/2015**

**Committee Date**

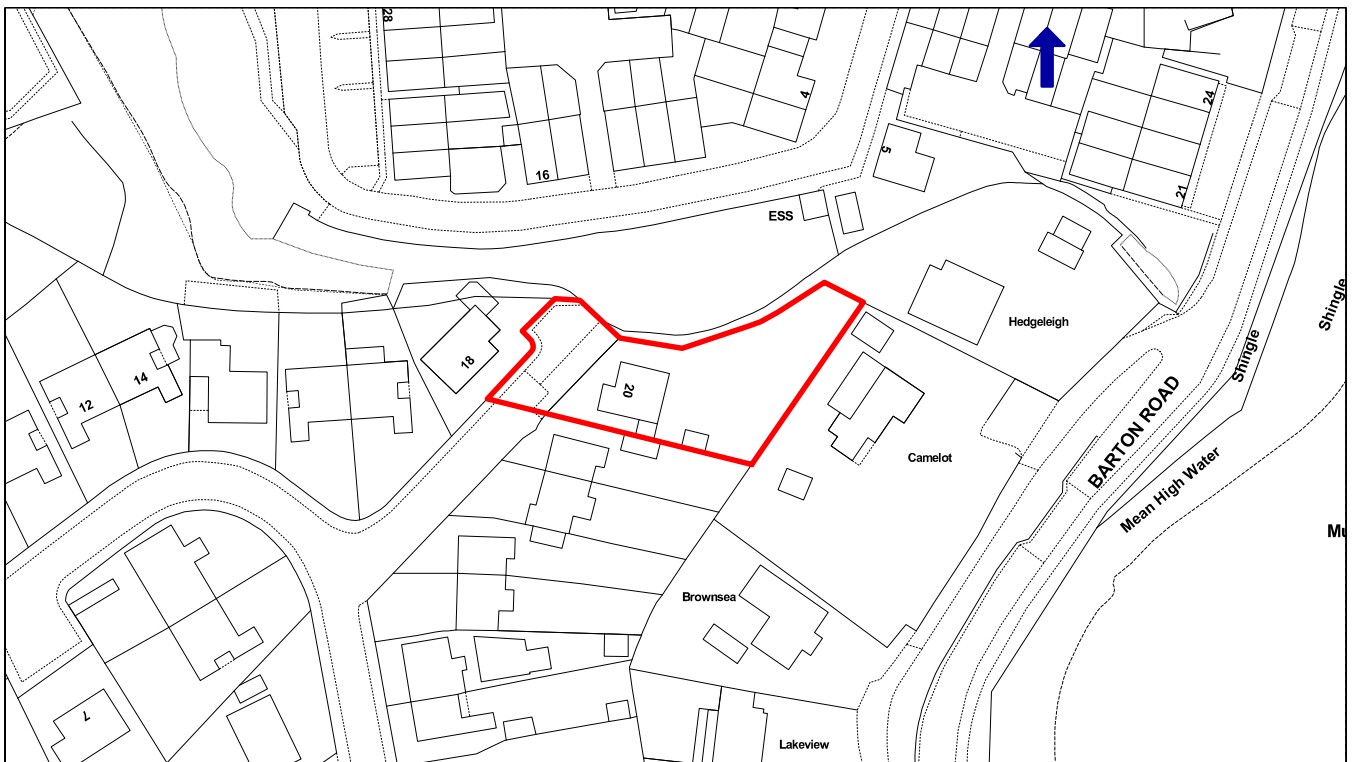
**Planning Committee: 17  
December 2015**

**Decision Category** Member/PCC Employee

**Case Officer** Aidan Murray

**Recommendation** Grant Conditionally

**Click for documents** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## **1. Description of site**

20 St Johns Drive is a detached property located in the Hooe area of Plymouth. The property is a split bungalow which has a lower ground floor area as well as a ground floor.

## **2. Proposal description**

The proposal seeks to create a single storey rear extension. This will extend from the rear of the property by 4 metres. The proposal seeks to create a roof terrace which will be accessible from the ground floor on top of this extension. This is a revision the previously approved application (14/02148/FUL)

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

None

## **4. Relevant planning history**

14/02148/FUL - Erection of part two storey, part single storey extension with terrace above, car port and new vehicular access – Permitted

## **5. Consultation responses**

Local Highway Authority – No Objections

Public Protection Service – No Objections

## **6. Representations**

No Letters of Representation have been received for this application.

## **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 was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. 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 a relatively 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).

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:*

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

## **8. Analysis**

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

- (1) The application turns about policy CS02 (design) and CS34 (Planning Application Considerations). This focuses on the design and considerations of the planning application and the effect that it will have on neighbour amenity as well as the design of the proposal.

### Planning Application Considerations

- (2) Planning permission for a part single storey, part two storey extension featuring a roof terrace was granted permission on 16<sup>th</sup> January 2015. The proposal here is for changes to this previously approved application 14/2148/FUL which is to create a single storey rear extension with roof terrace above with associated works.

- (3) The most significant change to these plans in this application is the removal of the part two storey extension. The overall size of the proposal has been reduced by 300mm which would make the single storey extension permitted under permitted development, however the roof terrace is not permitted and so there is a requirement for planning permission.

#### Overlooking Issues

- (4) The proposed terrace will be located to the rear of the property and will run the full length of the property. The proposed will be built above the lower ground floor extension of the kitchen/diner and will be accessible from ground floor.
- (5) Given the previous permission has already granted permission for a part roof terrace, it is not considered that this would significantly impact the privacy of the neighbouring properties as there is already a degree of mutual overlooking already in situ. The Supplementary Planning Document advises 21 metres should be the minimum distance that should be placed between habitable rooms to ensure that there are no privacy concerns. Officers feel that there are no significant overlooking issues that will be created by the proposed terrace. Furthermore the Hooe Lake Development plot is 49metres away from the proposed terrace which is more than double the recommended 21 metres in the SPD. Any other properties that may be affected by the proposed terrace are 40 metres and 35 metres distance.
- (6) The open space to the north of the property which is in the Barratts development has be designated for tree planting and associated soft landscape which will act as a screen and further minimise any overlooking concerns.

#### Design

- (7) A balustrade will be added to the proposed roof terrace for safety reason and to improve privacy concerns.
- (8) The new windows and doors to be added to the rear elevation will also be replaced with grey coloured uPVC units to match those recently replaced elsewhere on the 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**

This application is not liable for CIL.

### **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.

- Given the size and scale of this application it does not qualify for planning obligations.
- 

## 12. Equalities and Diversities

N/A

## 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 CS02 (design) and CS34 (planning application considerations) and is therefore recommended for approval.

## 13. Recommendation

In respect of the application dated **28/10/2015** and the submitted drawings Site Location Plan Dwg 0100, Proposed Block Plan Dwg No. 0102 Rev A, Existing Existing Ground Floor Plan Dwg No. 0200 Rev A, Lower Ground Floor Plan Dwg No. 0201 Rev A, Existing East Elevation Dwg No. 0300 Rev A, Existing North Elevation Dwg No. 0301 Rev A, Existing South Elevation Dwg No. 0302 Rev A, Proposed Lower Ground Floor Dwg No 0212 Rev B, Proposed Ground Floor Plan Dwg No. 0211 Rev B, Proposed North Elevation Dwg No. 0311 Rev B, Proposed South Elevation Dwg No. 0312 Rev B, Proposed East Elevation Dwg No. 0310 Rev B, 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 Dwg 0100, Proposed Block Plan Dwg No. 0102 Rev A, Existing Existing Ground Floor Plan Dwg No. 0200 Rev A, Lower Ground Floor Plan Dwg No. 0201 Rev A, Existing East Elevation Dwg No. 0300 Rev A, Existing North Elevation Dwg No. 0301 Rev A, Existing South Elevation Dwg No. 0302 Rev A, Proposed Lower Ground Floor Dwg No 0212 Rev B, Proposed Ground Floor Plan Dwg No. 0211 Rev B, Proposed North Elevation Dwg No. 0311 Rev B, Proposed South Elevation Dwg No. 0312 Rev B, Proposed East Elevation Dwg No. 0310 Rev B.

**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: (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.