

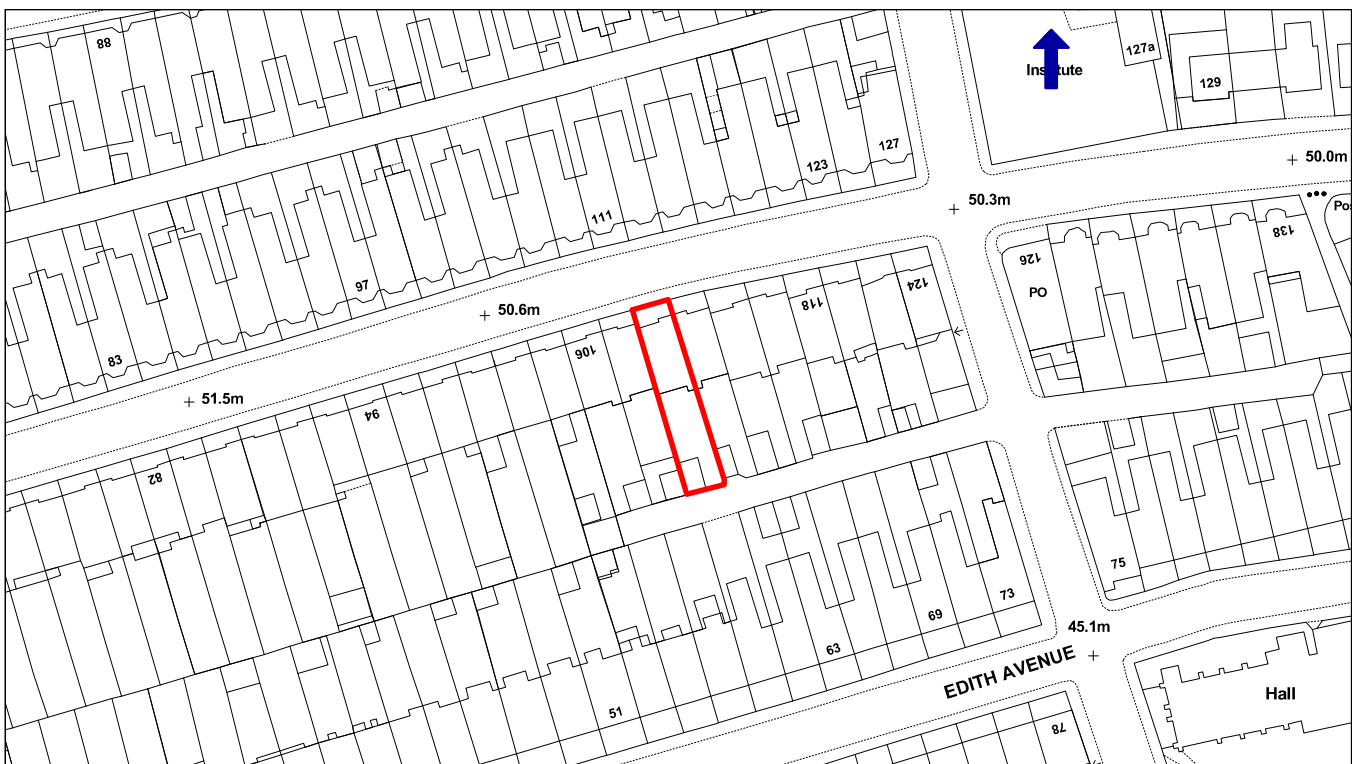
PLANNING APPLICATION REPORT



Application Number	15/02123/FUL	Item	03
Date Valid	17/11/2015	Ward	Sutton & Mount Gould

Site Address	110 MOUNT GOULD ROAD PLYMOUTH		
Proposal	Retrospective application for balcony and dormer		
Applicant	Mr and Mrs Kowtuniw		
Application Type	Full Application		
Target Date	12/01/2016	Committee Date	Planning Committee: 17 December 2015
Decision Category	Assistant Director of Development Referral		
Case Officer	Chris Cummings		
Recommendation	Grant Conditionally		

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This application has been referred to Planning Committee by the Assistant Director of Strategic Planning and Infrastructure because there are public interest reasons for the matter to be determined by the committee.

1. Description of site

110 Mount Gould Road is a mid-terrace property in the Lipson area. The rear of the property faces over a garden and garage onto a rear access lane. The lane is faced onto by the rear gardens and rear elevations of Edith Avenue.

2. Proposal description

Retrospective application for balcony and dormer in roofspace

3. Pre-application enquiry

None

4. Relevant planning history

The following relate to planning decisions close to the application site that are relevant:

09/01092/FUL – 100 Mount Gould Road - Formation of room in roofspace, involving front rooflights and rear dormer, patio doors and bay extension, and rear conservatory and decking (existing lean-to to be removed) - Granted conditionally

08/00717/FUL – 119 Mount Gould Road – Conversion of roof space into bedroom, two rear dormer windows and front rooflights – Granted Conditionally

06/01534/FUL – 112 Mount Gould Road – Formation of rooms in roofspace, including rear dormer, balcony and rooflights, and front rooflights – Granted Conditionally

06/00485/FUL - 112 Mount Gould Road - Formation of rooms in roofspace, including rear dormer extension and balcony and front rooflights - Refused

5. Consultation responses

None requested

6. Representations

One letter of representation was received. It regards the style of the dormer and that is not in keeping with other properties on the street, making reference to an application from 2006 (06/00485/FUL) that was refused for this reason.

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:

- Development Guidelines Supplementary Planning Document

8. Analysis

1. 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 1st 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.

2. The balcony and dormer have already been built and are sited on the rear roof of the property.
3. The dormer window is approximately 5.3m wide, 2.6m deep and 2.45m tall. It is set back into the existing roof slope and is approximately 1.8m from the eaves of the roof. It is set down from the existing ridgeline and set away from both party walls. The windows and doors are set back from the eaves of the existing roof, and are approximately 32.5m from the rear windows of the closest properties on Edith Avenue that may have had privacy issues.
4. The property is located in a terrace of houses and a number of properties already have installed dormer windows. These are smaller and set over the bay windows with ridged roofs. The proposed dormer is wider than those, but has a flat roof has used materials to blend it into the existing roof. It is not considered to be unduly prominent and officers consider that it does not have a significant impact on the streetscene.
5. An application for a similar style dormer at 112 Mount Gould Road was refused in 2006. This was prior to the 2008 amendment to the General Permitted Development Order which relaxed the allowances for rear slope dormer windows. The size of this dormer would allow it to be built under permitted development rights under Schedule 2, Part 1, Class B of the Town and Country Planning Act (General Permitted Development) (England) Order 2015, but the addition of a balcony means that planning permission is required. As the dormer would be considered Permitted Development without the balcony, the balcony and access onto it would be the only aspect of this application that could be target for any planning enforcement action.
6. The balcony is sited on top of the existing third floor and does not extend past the edge of the rear elevation. It is approximately 4.15m wide and extends approx. 1.9m on the eastern edge, and 2.7m on the western edge, over the third floor bay window.
7. There are existing balconies installed over the bay windows at 100 and 112 Mount Gould Road. The proposed balcony will extend the width of the roof, but is positioned on the top of the existing floorspace and does not extend over the existing rear elevation. The balcony area over the bay window is the most prominent aspect, but this is in keeping with the balconies on nearby properties so Officers consider it will not have a significant impact on the streetscene.
8. The main concern for the balcony is the impact on neighbours. The third floor has a bay window with rear and side windows that already overlook neighbouring properties and gardens. As the balcony does not extend past the existing rear elevation it will create any significant additional impact on the current privacy levels. The option of adding a privacy screen was considered, but this would increase the bulk of the balcony and make it appear more prominent.
9. The application under consideration seeks planning permission retrospectively for the whole development.
10. In August 2015 the Government announced a new national planning policy relating to intentional unauthorised development. The new policy applies to all planning decisions made by Local Planning Authorities, after then, including those made by Planning Inspectors where decisions are made on appeal to them. The new policy requires weight to be given in the

decision making process where unauthorised development has been carried out intentionally. Unfortunately, the policy does not indicate exactly how much weight should be afforded to this in relation to the weight given to other material planning considerations that will apply. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally, as opposed to it possibly having been carried out unintentionally.

11. In reality, given the difficulties in interpreting these issues, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that in its opinion unauthorised development is being carried out, and that works have continued beyond that point. This does not apply in this case, and so it is considered that no weight should be afforded to this point in the determination of this application.

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

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 obligations have been sought in this matter

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 CS02 (Design) and CS34 (Planning applications considerations) and it is therefore considered that planning permission should be granted.

13. Recommendation

In respect of the application dated **17/11/2015** and the submitted drawings Site Location Plan, Block/Site Plan, Existing (Original) Elevations, Existing Elevations, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block/Site Plan, Existing (Original) Elevations, Existing Elevations

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: UNCONDITIONAL APPROVAL (APART FROM 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 and has granted planning permission.