

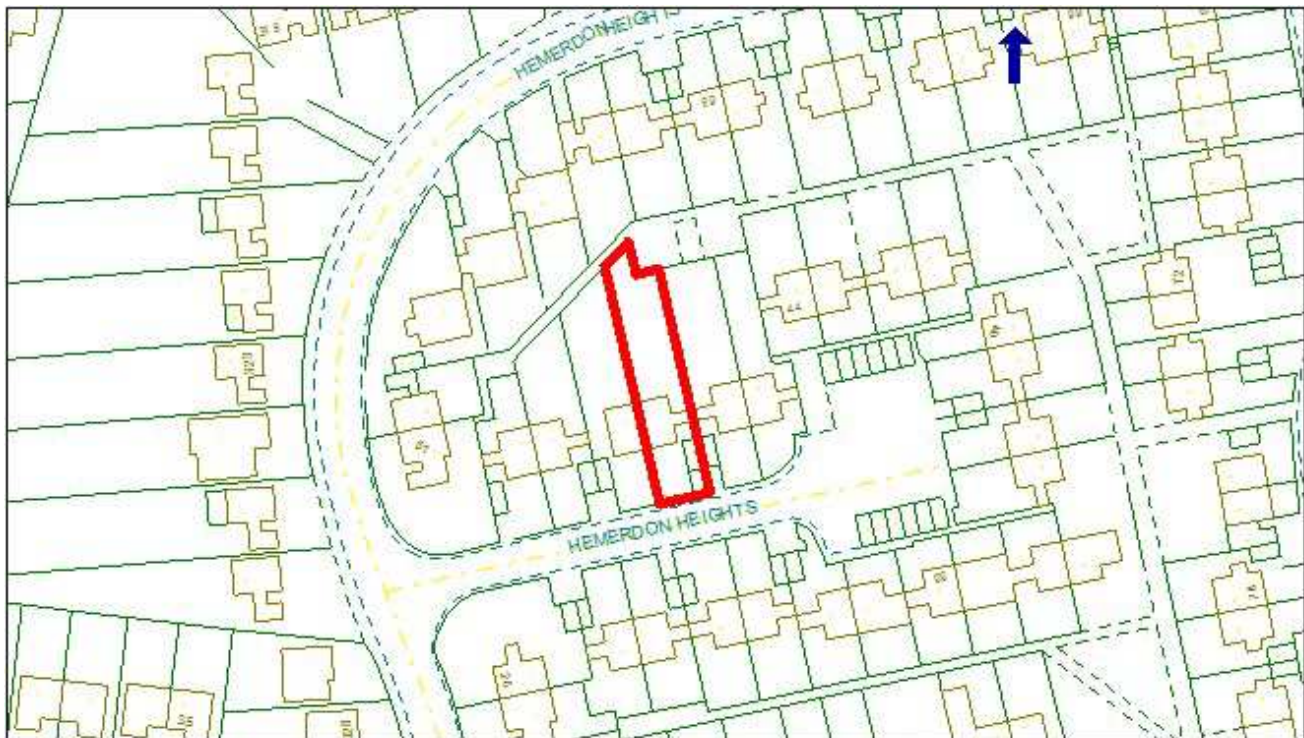
PLANNING APPLICATION REPORT



Application Number	16/00196/FUL	Item	01
Date Valid	05/02/2016	Ward	Plympton St Mary

Site Address	47 HEMERDON HEIGHTS, PLYMOUTH		
Proposal	Single storey side extension & rear conservatory		
Applicant	Mr Nick Cox		
Application Type	Full Application		
Target Date	01/04/2016	Committee Date	Planning Committee: 07 April 2016
Decision Category	Member/PCC Employee		
Case Officer	Amy Thompson		
Recommendation	Grant Conditionally		

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1. Description of site

47 Hemerdon Heights is a semi-detached property located in the Plympton area of the city.

2. Proposal description

Single storey side extension & rear conservatory.

3. Pre-application enquiry

None.

4. Relevant planning history

Neighbouring Properties

30 Hemerdon Heights

13/00992/FUL- Single storey side extension – Granted Conditionally.

37 Hemerdon Heights

06/00464/FUL- Enlargement of single-storey side extension by extension to its rear- Granted Conditionally.

08/01787/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 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) 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. 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 proposal seeks to erect a single storey side extension which will be located behind the existing detached garage, and a rear conservatory. The proposed side extension would replace an existing utility room and W.C with an extension that would be the full depth of the existing house at approximately 8.1 metres and be approximately 3.8 metres wide. The proposed rear conservatory would be 3.5 metres deep and 4.8 metres wide.
- (3) It was noted that from the site visit that the property is situated on a slope from east to west, with the properties situated to the east set above the application site.
- (4) Due to the side extensions position behind the existing garage and the proposed conservatory being situated at the rear the proposal is not considered to have a detrimental

impact on the character or appearance of the area. The proposal would be largely screened from public view and the proposal incorporates a pitched roof which will mimic that of the existing property. It is considered that proposed materials and design is in keeping with the original dwelling and is not considered to detract from the visual appearance of the surrounding area.

- (5) The proposed side extension and rear conservatory complies with the 45 degree guideline as outlined in the development Guidelines SPD that considers the loss of light to habitable room windows for neighbouring properties, and is also considered to be acceptable having taken into account the position, size and orientation of the proposal and the position and type of neighbouring window. From the site visit it was noted that between the proposed site and the adjoining neighbour there is a fence with a trellis on top and a hedge which acts as screening between the two properties. The proposal is also considered to not have a detrimental impact on the neighbours privacy or outlook.

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

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. The application is recommended for conditional approval.

14. Recommendation

In respect of the application dated **05/02/2016** and the submitted drawings Location plan, 1014/1, 1014/2, 1014/3, 1014/4., 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: Location plan, 1014/1, 1014/2, 1014/3, 1014/4.

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).

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.