

PLANNING APPLICATION REPORT



Application Number 16/01656/FUL

Date Valid 05/09/2016

Item 05

Ward Compton

Site Address 7 EASTFIELD CRESCENT, PLYMOUTH

Proposal Replacement rear extension (revision of previous approval 16/00338/FUL)

Applicant Ms K Welsh

Application Type Full Application

Target Date

31/10/2016

Committee Date

**Planning Committee: 24
November 2016**

Decision Category Member Referral

Case Officer Amy Thompson

Recommendation Grant Conditionally

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This application has been referred to Planning Committee by Councillor Richard Ball.

1. Description of site

7 Eastfield Crescent is a two storey semi-detached property situated in the Higher Compton area of Plymouth. The application site slopes down from west to east resulting in the rear garden being significantly lower than the ground floor of the main dwelling.

2. Proposal description

The application seeks permission to construct a replacement rear extension, as a revision to a previously approved scheme (16/00338/FUL).

3. Pre-application enquiry

15/01850/HOU- Rear extension- The summary of the pre-application enquiry states that the Local Planning Authority would be likely to accept an application for a rear extension. Considerations would need to be made concerning the impact on neighbouring resident amenity, when deciding the final design.

4. Relevant planning history

10/00373/FUL- Retrospective planning in relation to raised balcony/decking area (r/o existing rear conservatory) with associated steps- Granted conditionally.

16/00338/FUL- Replacement rear extension- Granted conditionally.

5. Consultation responses

South West Water- Advises applicant/ agent to contact South West Water if unable to comply with the requirement set out within their letter, which has been forwarded to both the agent and applicant.

6. Representations

One letter of representation has been received objecting to the proposal with the main concerns being;

- Loss of light.
- Impact on outlook.
- Proximity to boundary and height would be difficult to maintain properties.
- Flooding from rainwater.
- The Party Wall Act and value of property were also mentioned but are not material planning considerations.

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. An application was submitted earlier this year for a replacement rear extension (16/00338/FUL). The application sought to demolish the existing rear conservatory and decking, and replace it with a single storey rear extension that would cover the majority of the rear elevation. The extension proposes to infill the area adjacent to the existing rear tenement, which is currently a patio area that receives very little light.
3. One letter of objection was received from the adjoining neighbour raising concerns of loss of light and impact on outlook however the proposal was not considered by the officer to have a significant impact on neighbour amenity or the character of the area and therefore was recommended for conditional approval.
4. The application has been resubmitted as the pitch of the roof would not allow for the use of natural slate, therefore the applicant has amended the design to change the pitch of the roof. The initial re-submission showed an increase in roof height of approximately 900mm, however this has since been reduced. At the time of writing up the committee report a sketch had been produced to show the amended scheme and the officer is awaiting exact dimensions but the principle of development is considered acceptable. The dimensions for the amended proposed development will be put into an addendum report.
5. The proposed amendment to the previously approved scheme is not considered to have a detrimental impact on neighbour amenity. The height of the proposal will be increased but is considered to be minor and due to the change in pitch of the roof, the height of the extension as a whole would be lower than already approved. It is noted that the proposed amendment does not meet the 45 degree guideline set out in the development guidelines Supplementary Planning Document that considers the loss of light to neighbouring properties, but similarly to the previously approved scheme it is considered to be acceptable having taken into account the existing high level boundary treatment between the neighbouring properties that is due to be removed to make room for the extension, the sloping nature of the extension, the site's orientation and position of the neighbours windows.
6. The proposed amendments are not considered to have a detrimental impact on the neighbours privacy as there are no proposed windows that would overlook the neighbouring properties and is compliant with the development guidelines Supplementary Planning Document that considers impact on privacy. A condition however will be added to ensure that the applicant permitted development rights are restricted so that no additional windows can be added without permission being sought by the Local Planning Authority.
7. It is considered that the proposed amendments would not have a significant impact on neighbours outlook as the amendments have reduced the length and the eaves height from the approved scheme. The extension would step down into the garden below the ground

floor level. The proposed changes are considered to have less of an impact on neighbours outlook than the approved scheme. Therefore the proposal is considered to comply with the development guidelines Supplementary Planning Document that considers impact on neighbours outlook.

8. The proposal is not considered to 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 would not have an impact on the street-scene.
9. Concerns were raised about the proximity of the extension and the impact on flooding due to rainwater on the neighbouring property. The agent has stated that the guttering will be on the rear elevation to take rainwater away to the drains.
10. It is noted that concerns have been raised regarding the Party Wall Agreement, this is not a planning consideration but an informative has been added for clarity.

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 **05/09/2016** and the submitted drawings 405.PL.ST.001, proposed extension to the rear of 7 Eastfield Crescent Plymouth, 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: 405.PL.ST.001, proposed extension to the rear of 7 Eastfield Crescent Plymouth

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 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 new windows shall be constructed to the dwelling hereby approved.

Reason:

In order to protect neighbour amenity, 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: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(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 with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of 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.