

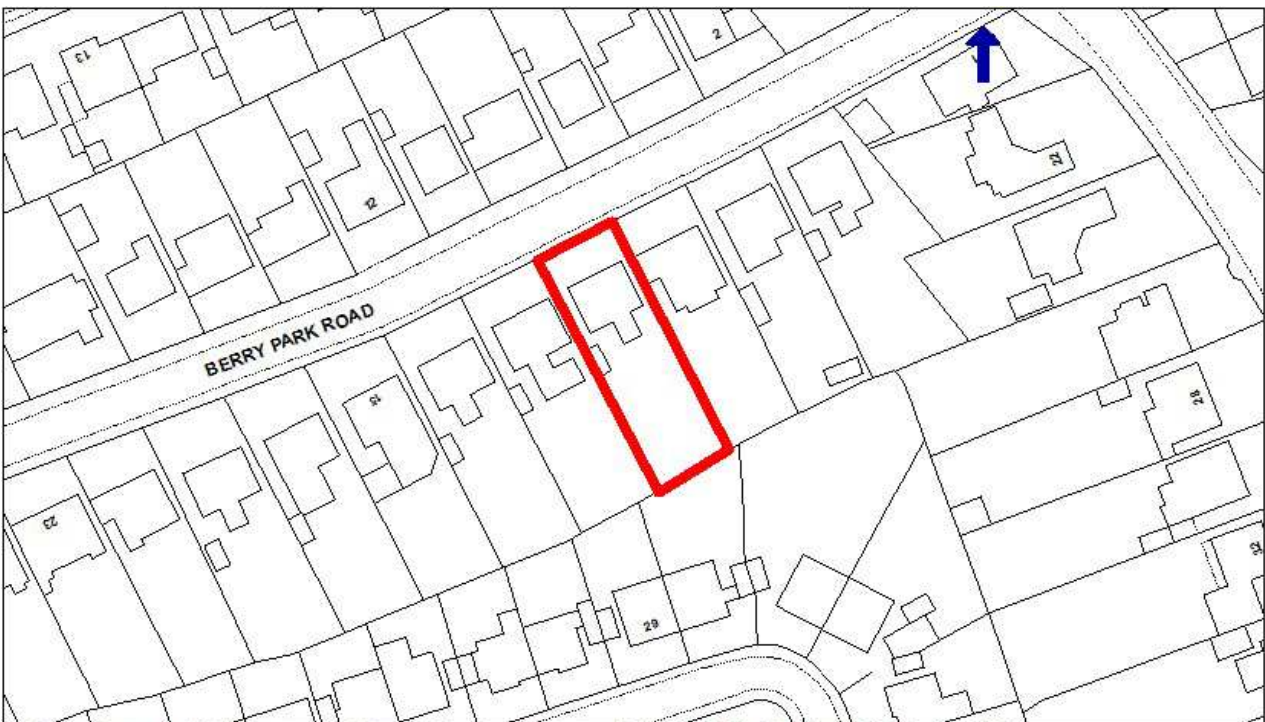
# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/01439/FUL	<b>Item</b>	02
<b>Date Valid</b>	01/08/2016	<b>Ward</b>	Plymstock Radford

<b>Site Address</b>	9 BERRY PARK ROAD PLYMOUTH		
<b>Proposal</b>	Front and rear dormer, roof alterations and single-storey side extension		
<b>Applicant</b>	Mrs Elliott		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>26/09/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 15 December 2016</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Chris Cummings		
<b>Recommendation</b>	Grant Conditionally		

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



**This application was referred to the 29 September 2016 Planning Committee by Councillor Ken Foster and was then deferred by Committee for further discussions with the agent regarding the form of the development.**

## **1. Description of site**

9 Berry Park Road is a detached bungalow in use as a dwellinghouse in the Plymstock Radford ward of Plymouth. The property is on the south side of Berry Park Road approximately 50 metres from the junction with Dean Hill. It is elevated from Berry Park Road, with an existing driveway to the east of the dwelling. The rear garden faces onto the rear gardens of dwellinghouses on Princess Crescent.

## **2. Proposal description**

The application as originally proposed and reported to Planning Committee involved alterations to roof shape from hipped to mansard roof, creation of front dormer, creation of two rear dormers, two-storey rear extension with hipped roof and single-storey side/rear extension.

Amendments have been received and the new proposal is for creation of a front and rear dormer and a single storey side/rear extension.

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

16/00962/HOU – Loft conversion and rear extension - Development acceptable in principle

## **4. Relevant planning history**

16/00702/OPR – Alleged single storey extension in excess of permitted development levels – Closed, works were found to be permitted development

*11 Berry Park Road*

16/01492/FUL – Rear extension – Granted conditionally

*15 Berry Park Road*

06/01075/FUL - Single-storey rear extension with attached private motor garage (existing garage to be removed) - Granted conditionally

## **5. Consultation responses**

Local Highway Authority – No objection to the proposal

## **6. Representations**

Twenty-four letters of representation have been received from members of the public in respect of the original application. The considerations raised were as follows:

- Alterations to roofline out of character with existing properties in road
- Lack of parking space on the property increasing congestion
- Increase in parking requirements due to increased dwelling size

- Loss of privacy from dormer windows
- Change from bungalow into a house
- Overbearing and out-of-scale with existing properties
- Work already begun not included in the application
- Loss of light to neighbouring properties
- Loss of privacy from any first floor side windows
- Disruption to the existing street scene

The issues raised are incorporated into the analysis section of this report.

The amended application has been re-advertised with a closing date for representations of 14 December 2016. Any further representations received will be summarised in an addendum to this report.

## 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 was originally presented to Planning Committee on 29 September 2016. Concerns were raised by the Committee regarding the alterations to the roof shape being out of keeping with the area and the impact on neighbouring properties from the roof of the rear extension. The application was deferred for further discussions with the applicant for further amendments. The amendments as proposed are outlined below:
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), policies 29 and 30 of the emerging Plymouth Plan, 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.

### *Roof alterations*

3. Under permitted development roof alterations can create up to 50 cubic metres without planning permission being required. The proposed alterations to the roof from a hipped to mansard roof on their own could be carried out under permitted development with no requirement for planning permission. However with the additional roof space created by the dormers these alterations require planning permission. The roof alterations are considered to maintain the essence of the existing street scene, retaining the existing style of four separate slopes that similar to the existing hipped roof. The alterations are considered to meet the requirements of Core Strategy Policy CS34(4) that the proposal is compatible with its surroundings.

### *Front dormer*

4. A front dormer is proposed facing onto Berry Park Road. Front dormers of varying sizes have been constructed on a number of other properties on both sides of Berry Park Road, setting a precedent in the area. It is proposed to line up with the existing porch windows, in keeping with the recommendations of paragraph 2.2.58 of the Development Guideline SPD. It would be considered unreasonable to refuse this application due to the existing front dormers on the street scene.

### *Rear dormer*

5. A rear dormer can normally be constructed under permitted development up to a roof size increase of 50 cubic metres. Due to the other roof alterations planning permission is required. The rear dormer will be situated approximately 38 metres from the rear of the nearest property and as such is not considered to impact on properties on Princess

Crescent. Paragraph 2.2.55 of the Development Guidelines SPD states that dormer windows should not dominate a building and sit comfortably within the roof space. The rear dormer is positioned and scaled appropriately with the proposed roof alterations and is considered acceptable.

*Rear extension*

6. A rear extension was originally proposed to be two storeys, with a pitched roof. This was amended to a single-storey extension with pitched roof prior to Planning Committee, however concerns were raised at the Committee meeting regarding the impact on neighbouring properties from the pitched roof. Following further discussions with the applicant the rear extension has been amended to remove the pitched roof and now falls under permitted development. The extension will extend approximately 4 metres from the rear of the property and will have a maximum height of 3.05 metres. It is considered to meet all the requirements of permitted development and therefore planning permission is not required for the rear single-storey extension. Although side windows are not restricted on single storey extensions by the General Permitted Development Order there are none proposed on either of the side elevations.

*Single storey side/rear extension*

7. A garage has been previously demolished at the site under permitted development, and it is proposed to build a dog-leg side extension, attached to the proposed rear extension, in this position. The proposed side extension is single storey, with a width of approximately 2.75 metres, a length of 4.87 metres and a height of 2.8 metres with a flat roof. No side windows are proposed and, combined with the flat roof, it is not considered to harm neighbour amenity.
8. The Local Highway Authority was consulted regarding this application and raised no objections to the proposal. The garage was demolished under permitted development and would not have required planning consent. There is an existing driveway to the west of the property and it continues to provide adequate off road parking for occupants in accordance with Core Strategy Policy CS28(4) and CS34(8).
9. All of the representations received have been carefully considered, but for the above reasons the proposal is considered acceptable. With regard to the reference to work having commenced, this concerns an unrelated curtilage development that constitutes permitted development.
10. Again, due to the scale of works proposed in this amended application, further development on the site has the potential to significantly impact on neighbour amenity and privacy. It is therefore recommended that a condition be added to remove the permitted development rights of the property. This will prevent further alterations that could impact on the amenity of neighbours without first obtaining express planning permission from the Council.
11. In summary, this application is considering the front and rear dormers, roof alterations and single-storey side/rear extension. The rear extension is considered permitted development and do not require planning permission.

## 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

No charge under current schedule.

## 11. Planning Obligations

No planning obligations have been sought.

## 12. Equalities and Diversities

Not relevant to this application.

## 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, the Development Guidelines Supplementary Planning Documents (April 2010) and national guidance and recommend conditional approval.

## 14. Recommendation

In respect of the application dated **01/08/2016** and the submitted drawings Amended description, 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: Site location plan, block plan, existing floor plans and elevations 29072016, Revised proposed floor plans and elevations 12092016.

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, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the development hereby approved, unless prior approval has first been obtained.

Reason:

In order to protect neighbour amenity, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Development Guidelines SPD (2013), 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).