

# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/01935/FUL	<b>Item</b>	04
<b>Date Valid</b>	06/10/2016	<b>Ward</b>	Plymstock Dunstone

<b>Site Address</b>	6 FINCHES CLOSE PLYMOUTH		
<b>Proposal</b>	Rear extension and replace existing cladding front and rear with cedral cladding (resubmission of 16/01728/FUL)		
<b>Applicant</b>	Mr & Mrs Hanley-Wildman		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>01/12/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 15 December 2016</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Mike Stone		
<b>Recommendation</b>	Grant Conditionally		

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



**This application has been referred to Planning Committee by Cllr Churchill.**

### **1. Description of site**

The application property is a detached two storey dwellinghouse with attached side garage on a cul-de-sac and located close to the junction with Hazel Grove. The area is residential in character.

### **2. Proposal description**

Rear extension and replace existing cladding front and rear with cedar cladding (resubmission of 16/01728/FUL). The rear extension would be 4.6 metres deep, 4.3 metres wide at the end and would feature a dog legged section with patio doors so that it would be 5.2 metres wide at the point where it joins the rear elevation of the house. It would be 3.0 metres high and include a light lantern in the roof.

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

There was no pre-application enquiry with this proposal.

### **4. Relevant planning history**

16/01728/FUL – Rear extension - Withdrawn.

16/01266/GPD - A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.6m, has a maximum height of 3m, and has an eaves height of 3m - Approval required due to neighbour objections.

### **5. Consultation responses**

None requested.

### **6. Representations**

Five letters of objection have been received from two separate addresses. The letters raise the following issues;

Overshadowing

Loss of light

Loss of privacy

Overbearing

Unightly appearance

The extension will be used for business purposes

Drainage and flooding problems

Inappropriate materials

Noise

Cooking smells

Procedural matters relating to the plans  
Restrictive covenant on development  
Party Wall Act.

The Party Wall Act and covenants re not planning issues.

## **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.
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 First 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.
3. In July 2016 the applicants applied for a similar development under the Neighbour Consultation Scheme for larger rear extensions but this was not approved after neighbour objections were received.

### 4. Impact on neighbour amenity.

Six letters of objection have been received. The letters raise a number of concerns some of which fall outside of the planning system such as covenants and the Party Wall Act. The issues of drainage would have to be dealt with in a subsequent Building Regulations application if the proposal were to be approved. Neighbour noise or related anti-social behaviour would be the remit of the council's Public Protection Service.

5. The planning related issues revolve around overbearing appearance, loss of light and loss of privacy. The main impact would be on the property to the north no. 4. This property appears to be set slightly lower than the subject property so the impact of the extension would be greater. There is currently a high wooden fence and hedge between the properties. No. 4 is also north of the subject property so there would be some increase in overshadowing of the rear garden.
6. The proposed extension would be 4.6 metres long and 3.0 metres high, under the applicant's permitted development rights they could build a 4.0 metres long and 3.0 metres high extension without the need for planning permission and it is in this context that the proposal needs to be examined.
7. In terms of loss of light, while not normally used in matters involving detached properties, the proposal does satisfy the 45 degree guidance set out in the Development Guidelines SPD. No side windows are proposed so there would be no loss of privacy.
8. As originally submitted the plans showed the rear extension having fibre cement cladding on all elevations, including the one facing the neighbour at no. 4. Given that the applicant's garage is constructed of brick this was felt to be inappropriate and an amendment has been negotiated that sees brick used along the shared boundary. A matching materials condition is recommended. The use of fibre cement cladding as a low maintenance building material has increased greatly in popularity on commercial and domestic buildings and case officers consider it acceptable in this case. Given the relatively minor visual impact of the glass fibre flat roof case officers do not feel that this would result in harm to visual amenity. For clarity no cladding is proposed for the rear elevation of the house.
9. Regarding overbearing appearance at no. 4, as has been stated above the applicant could construct a very similar extension without the need for planning permission and case officers

do not consider that the additional 600mm element to this application would result in significant harm to neighbour amenity.

10. Case officers feel that the neighbours at no. 8 are sufficiently distant from the proposed development not be adversely impacted.
11. In letters of objection it has been suggested that the new extension would be used as part of cake making business. Officers have queried this but the applicant has confirmed this is not the case. Operating a business from home can be carried out without planning permission subject to four tests;
  - Is the home no longer be used mainly as a private residence?
  - Will the business result in a marked rise in traffic or people calling?
  - Will the business involve any activities unusual in a residential area?
  - Does the business disturb the neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?

If it were to transpire that any of these tests were being infringed then a planning application would need to be submitted.

## **12. Impact on the character and appearance of the area.**

The application seeks to replace sections of external plastic cladding on the front elevation between the first and ground floor windows and above the garage door. They would be replaced with the fibre cement panels similar to those to be used on the rear extension. Similar plastic panels are found on nos. 4 and 8 but given the relatively small scale of the development case officers consider this acceptable. The raised roof of the extension could be visible from Finches Close and the rear extension could be seen from the street behind but case officers do not feel that this would result in significant harm to the visual amenity of the area.

## **13. Other matters**

A number of procedural matters were raised covering issues such as annotating drawings with the relevant scale, the failure to show the removal of a boundary hedge and to mark an underbuild on the plans. These matters were addressed in an amended set of plans (2759.C) and block plan (Block Plan 25112016).

Officers consider that the proposal complies with Core Strategy Policy CS02 and parts 4 and 6 of Policy CS34 and is recommended for approval with a condition on matching materials for the boundary wall.

## **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**

Under the present Community Infrastructure Levy charging schedule no CIL contribution is required for this development.

## 11. Planning Obligations

Not applicable for this development.

## 12. Equalities and Diversities

There are no equalities and diversities issues.

## 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 planning policy, supplementary planning guidelines and national guidance and specifically policies CS02 (Design) and CS34 (Planning applications considerations) and paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The application is recommended for approval.

## 14. Recommendation

In respect of the application dated **06/10/2016** and the submitted drawings Block Plan 25112016, 2759 Revision C, 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: Block Plan 25112016, 2759 Revision C.

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.

## Pre-commencement Conditions

**PRE-COMMENCEMENT: FURTHER DETAILS**

(3) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: Brick to used on elevation facing 4 Finches Close. The works shall conform to the approved details.

**Reason:**

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012 .

**Justification:**

To ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

**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 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.

**INFORMATIVE: CODE OF CONDUCT FOR CONSTRUCTION AND DEMOLITION.**

(4) All building work should follow the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages.