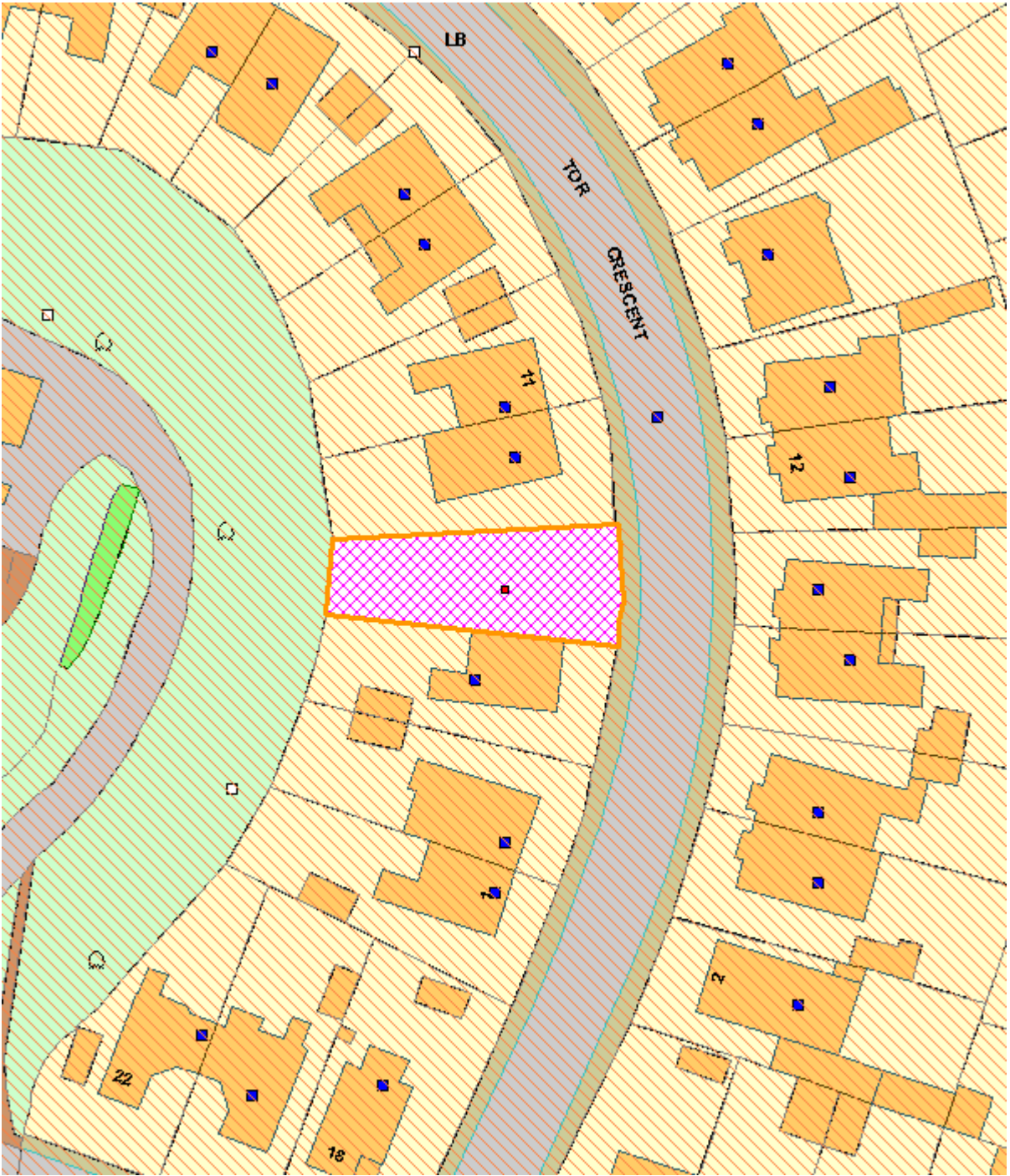


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/00329/FUL	<b>Item</b>	02
<b>Date Valid</b>	09.02.2017	<b>Ward</b>	PEVERELL

<b>Site Address</b>	7 Tor Crescent Plymouth PL3 5TW		
<b>Proposal</b>	Roof extension, two storey side extension and rear extension. Externally applied wall insulation		
<b>Applicant</b>	Eric Davis		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>06.04.2017</b>	<b>Committee Date</b>	<b>04.05.2017</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Mrs Liz Wells		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to Planning Committee by Ward Councillor Mahony.

### **1. Description of Site**

7 Tor Crescent is a semi-detached residential property in the Peverell ward of the city.

The area of the site is predominantly residential and the road is characterised by c.1930s semi-detached houses with single garages to the side/rear. The road is curved and the houses follow the curve of the road. To the rear of the site is Tor Home, residential home.

### **2. Proposal Description**

Roof extension, two storey side extension and rear extension. Externally applied wall insulation.

Revised plans have been submitted during the course of the application following Officer negotiation. The revised plans include:

1. Step back of the two storey side extension from front of the original house increased to 1600mm
2. The cladding to the side extension has been changed from a modern metal cladding to render with a slate roof.
3. The fenestration to the front elevation is now in keeping with that of the host dwelling
4. The single storey rear extension has been reduced in height by 300mm and cladding colour changed to grey

The roof extension comprises a 'hip to gable' and rear dormer. The proposed two storey side extension has a hipped roof and is proposed to extend to the property boundary to the side. The single storey rear extension is the same depth as the existing kitchen tenement but full width of the rear of the property in a contemporary design and materials.

The proposal is to create a garage to the side, a larger kitchen/diner/playroom on the ground floor and two additional bedrooms. The existing garage in the rear garden is proposed to be demolished and the area used as part of the rear garden.

The amended plans are currently subject to a further period of public consultation.

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

None.

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

No planning for this property.

### **5. Consultation responses**

Local Highway Authority – No objection. The resultant parking provision will still be 2 off-street parking spaces which meets the maximum parking standards, as identified within the Plymouth City Council Development Guidelines SPD. Recommended conditions on garage door type (relating to original plans) and surfacing and informative on dropped kerb.

## **6. Representations**

8 letters of representation and 2 further comments were been received in respect to the original proposal, all objecting to the proposal on the basis of:

1. Out of character – materials and design – potential terracing effect – precedent - overdevelopment
2. Overbearing/dominant impact
3. Loss of light to neighbouring properties and gardens
4. Loss of off-street parking
5. Loss of open space on the property
6. Location of kitchen next to adjoining semi and potential drainage problems
7. Devalue properties

3 letters of representation have been received in response to the further period of public consultation on the amended plans. The comments reiterate many of the comments made on the original plans:

1. Out of character – specifically the wall finish is light grey and dark grey uPVC windows
2. Overbearing/dominant/invasive impact on no. 9 main dining area and garden
3. Loss of light to no. 9 main dining area and garden – shadow study only relates to 4 months, not representative of the majority of the year
4. Concerns about additional parking on the street on curved road obscure sightlines of residents exiting their drives and the street is used as rat-run.
5. Overdevelopment – distorts the symmetry and openness of the Tor estate – additional bedroom can be achieved with loft extension.

Any further comments received before the Committee meeting will be addressed in an addendum report to Planning Committee.

## **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) and the detailed guidance contained in the Development Guidelines Supplementary Planning Document (SPD) First Review.

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

\* For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

\* For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines SPD First Review

## **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 main consideration in assessing this proposal is the impact on the neighbouring property's amenities and the streetscene. The application turns on policy CS34 of the Core Strategy and the detailed guidelines set out in the Development Guidelines SPD. Policies DEV1, DEV20 and DEV31 are also relevant but the considerations do not alter significantly in light of these policies.

### **Design**

Is design in keeping?

4. Yes. The side extension as amended is in keeping with the original house in terms of design and fenestration and the set back of 1.6metres is considered to be sufficient to overcome the potential terracing effect, especially given the property is on a curved road and the roof on the side extension is hipped.

5. The rear extension is unlikely to be very visible from the street/public vantage points. The roof extensions are similar to ones that could be created under permitted development rights and Officers do not consider the proposal as a whole will result in demonstrable harm to this streetscene.

Do materials match or are they appropriate?

6. Yes. The proposal is to be rendered and whilst this does not match the existing pebble-dash finish to the dwelling, part of the proposal is to externally insulate the existing dwelling with a render finish. Officers are mindful that it is open to the homeowner to paint / re-render and externally wall insulate the dwellinghouse under permitted development rights. The street has a traditional appearance (1930s) but is not in a designated Conservation area. Officers therefore consider that it would be unreasonable to insist on a pebble-dash finish.

Is the scale subservient and/or appropriate?

7. Yes. As above and in line with the Development Guidelines SPD.

### **Amenity**

Is remaining amenity sufficient?

8. Yes. The proposal will see the removal of the existing garage which will provide a more useable rear garden space.

Any significant overlooking issues?

9. No. The rear facing windows are not considered to result in significant increased overlooking compared to existing windows, and when considering the permitted development allowances for rear dormers. No upper floor side windows are proposed and any future upper floor side windows would be restricted to obscure glazed under current permitted development allowances.

Any significant loss of light?

10. No. Whilst there is likely to be some loss light to a side window and part of the garden of no. 9, Officers do not consider this loss to warrant the application for refusal. The most impacted window is no. 9's ground floor side window which serves their dining area as part of a larger open-plan kitchen/diner/sunroom with rear facing windows. No. 9 is orientated to the north of the application site. A shadow study for the revised proposal has been provided by the applicant. This shadow study shows shadowing on the lower part of the window after 0900 and before 1300 in Spring and Autumn; and no shading of the window and limited shading of small section of garden in Summer (when the sun is higher in the sky). In winter (December), the shadowing covers the whole window before 1300; however a shadow study for the existing property (without extension) also shows shading of the window during this winter time.

11. The rear extension is orientated to the north of no.5 and the rear extension is not considered to result in any significant loss of light to that neighbour's rear ground floor window.

Any significant change or intensification of use?

13. No. The change is from three to four bedrooms and a study which is still in keeping with a single dwelling use.

Any impact on protected trees?

14. None.

Any other loss of amenity to neighbours?

15. No. The proposal will impact on the aforementioned neighbouring windows, and will be visible from properties opposite. However in terms of outlook and dominance, the proposal is considered acceptable and in line with the Development Guidelines SPD. The side window of no. 9 currently looks onto the boundary fence/wall with the side of the application house beyond. The proposed extension will come up to the boundary, approximately 2 metres from the window. The main outlook from this neighbour's room is out onto the rear garden.

### **Other Impacts**

Any risk to highway safety from changes to parking and/or access?

16. No. Detailed comments received from the Local Highways Authority notes that the existing property has a long, but narrow drive, serving an existing garage. Whereas it is accepted that cars may be able to park on the drive the widths are below standard and access into parked cars may be problematic. The proposal will provide a new garage, of suitable dimensions, and the private drive. The amended plan has been set back the front of the garage and therefore the Highway comments relating to the length of the driveway (and door type condition) have now been overcome. The resultant parking provision will still be 2 off-street parking spaces which meets the maximum parking standards, as identified within the Plymouth City Council Development Guidelines SPD, and arguably equals the current usable car parking spaces, in tandem, on the site. The surfacing condition is recommended in line with the Highway comments.

17. The other issues raised in letters of representation are addressed below:

18. Location of kitchen next to adjoining semi and potential drainage problems – The proposal will be subject to a Building Regulations application and there is no reason to believe that there will be drainage problems given the proposed location of the kitchen adjacent to the party wall.

19. Devalue properties – This is not a material planning consideration.

### **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. Due to the small scale of the extension, it will not attract any Community Infrastructure Levy under the current charging schedule.

## **11. Planning Obligations**

No planning obligations have been sought due to the nature and size of proposal.

## **12. Equalities and Diversities**

The proposal has been considered in the context of adopted policies and no equality and diversity issues are considered to be present in this proposal.

## **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 is therefore recommended for conditional approval subject to a condition on driveway surfacing condition.

## **14. Recommendation**

In respect of the application dated **09.02.2017**  
it is recommended to **Grant Conditionally**

## **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

### **1) CONDITION – APPROVED PLANS**

Site plan 2016-36-PL-02 Version: 2 received 10/02/17

Site Location Plan 2016-36-PL-01 Version: 2 received 10/02/17

Existing Plans 2016-36-PL-03 Version: 1 received 31/01/17

Plans and Elevations 2016-36-PL-05 Version: 1 received 31/01/17

Proposed Elevations 2016-36-PL-07A Version: A received 11/04/17

Proposed Plans and Sections 2016-36-PL-06A Version: A received 11/04/17

Proposed Plans 2016-36-PL-04A Version: A received 11/04/17

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.



2) **CONDITION: COMMENCE WITHIN 3 YEARS**

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.

3) **PRE COMMENCEMENT CONDITION: SURFACING OF DRIVEWAY/PARKING AREAS**

Prior to commencement of its use the parking area shall either be (a) constructed using a permeable construction or (b) hard paved and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

**Informatives**

1) **INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATION**

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.

2) **INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

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).

3) **INFORMATIVE: PROPERTY RIGHTS**

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.

4) **INFORMATIVE: KERB LOWERING**

Before the access[es] hereby approved are first brought into use it will be necessary to secure dropped kerbs [and footway crossings] with the consent of the Local Highway Authority. The applicant should contact Plymouth Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.