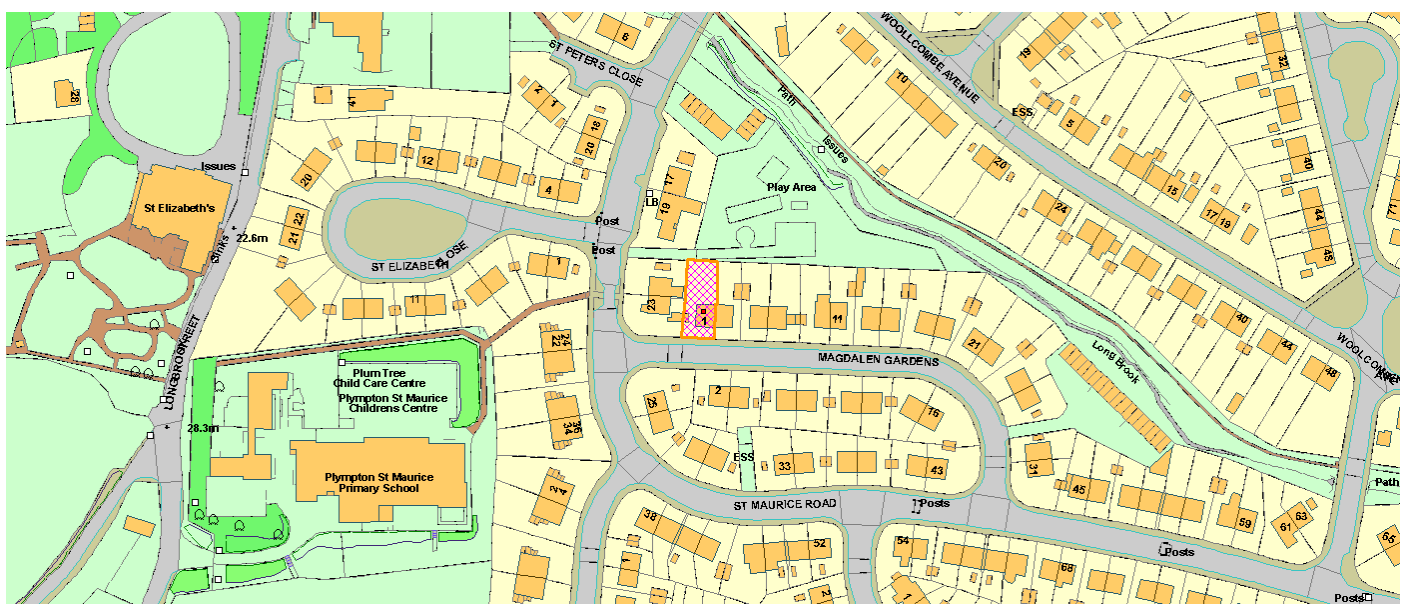


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/01252/FUL	<b>Item</b>	<b>05</b>
<b>Date Valid</b>	13.06.2017	<b>Ward</b>	PLYMPTON ERLE
<b>Site Address</b>	1 Magdalen Gardens Plymouth PL7 INX		
<b>Proposal</b>	Side extension to provide accessible bedroom and bathroom to ground floor and new stairs to first floor		
<b>Applicant</b>	Mr & Mrs Lindsay		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>08.08.2017</b>	<b>Committee Date</b>	<b>27.07.2017</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 Beer.

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

1 Magdalen Gardens is a semi-detached residential property in the Plympton Erle ward of the city.

The area of the site is predominantly residential and the road is characterised by c.1950s semi-detached houses on the north side of the road with off-street parking to the front/side and bungalows on the south side. The local topography slopes down to the north.

The property has an existing outbuilding/store which is detached from the house but is joined to the outbuilding belonging to 23 St Maurice Road.

### **2. Proposal Description**

Side extension to provide accessible bedroom and bathroom to ground floor and new stairs to first floor.

The proposal is for the detached store to be replaced by the side extension to provide a ground floor bedroom and wet room and internal alterations to the stairs to create access to the new room.

Revised plans have been submitted during the course of the application following Officer negotiation. The revised plans show a reduction in the proposal, removing the volume of enclosed void but retaining a pitched roof to a new staircase to the side, approximately 1.5 metre wide and a flat roof to the proposed ground floor bedroom. The flat roof goes up to the boundary, at roughly the same height as the existing store.

Officers do not consider that further public consultation is required due to the reduced size and impact but the neighbour has been informed and requested to provide any further comments by 18 July 2017.

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

None.

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

No planning for this property.

### **5. Consultation responses**

No consultations requested or received for this proposal.

### **6. Representations**

One letter of representation has been received from the adjacent neighbour, 23 St Maurice Road, which backs onto the side (western) boundary of the application site. They object to the proposal on the basis of height and proximity – overpowering and unacceptable mass less than 5 metres from the rear wall of their home which would seriously affect the residential amenity of the courtyard, dining room and home as a whole.

The letter comments that they have no objection in principle to a single storey extension and in their opinion, there is no design or practical necessity to relocate the staircase in the way proposed.

### **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 I 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 adopted Plymouth and South West Devon Local 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.

## **Amenity**

3. The most impacted neighbouring property is 23 St Maurice Road which backs onto the side of the application site.

Any significant loss of light?

4. No. The flat roof element will have a roof level approximately 1 metre higher than the existing boundary wall to the rear of the existing store. The pitched roof element may result in some reduction of direct sunlight to 23 St Maurice Road, however as the proposal is located to the east-

south-east of this neighbour, the impact to direct light is likely to be limited to a small part of the day. This combined with the narrow width of the proposal as amended, and the low front eave of the pitched roof element, is not considered to result in an unreasonable impact on this neighbour's light in Officers' opinion.

Any other loss of amenity to neighbours?

5. Yes - outlook and dominance. The proposal will be within close proximity to rear-facing main habitable room windows of 23 St Maurice Road, as well as its garden. The Development Guidelines suggests that the minimum distance between a main habitable room window and a blank wall should normally be at least 12 metres. However, the existing separation distance is approximately 5 metres. The proposal will make a large part of the flank wall approximately 1.5 metres closer. Whilst this does not strictly accord with the Development Guidelines, given the context of this site, Officers do not consider the change in the outlook from this neighbour will be unreasonably impact by the proposal as amended.

6. When viewed from the garden, the flat roof element will result in the boundary wall being raised by approximately 1 metres to a height of 3.1 metres. When considering the impact of this compared to the fall-back situation of an outbuilding which could be built on the boundary up to 2.5 metres high, the additional impact of the proposal is considered acceptable.

7. The proposal will also be visible from properties on the opposite side of the road but due to the separation of the road, the impact is not considered significant.

Any significant overlooking issues?

8. No. No side facing or upper floor windows are proposed. Any future upper floor windows in the side would be restricted to obscure glazed under current permitted development allowances and therefore a restrictive condition is not considered necessary to protect the neighbour privacy.

Any significant change or intensification of use?

9. No. The change from three to four bedrooms is in keeping with a single dwelling use.

Is remaining amenity sufficient?

10. Yes. The property will retain a good sized rear garden.

Any impact on protected trees?

11. None.

## **Design**

Is design in keeping?

12. Yes. Officers consider the extension complies with the Development Guidelines SPD on side extensions. The proposal as amended comprises a pitched roof element and a flat roof element. The pitched roof element appears relatively high but has the front eave at ground floor ceiling level and the rear eave fractionally higher than this. It is not a traditional two storey extension, as it purely serves to cover the proposed new staircase. The ridge is set down from the main roof. The roof pitches run parallel to existing roof. The flat roof element is set back approximately 1 metre from the front of the property and replaces the existing flat roof store, albeit extending towards the house and to the rear wall of the property.

13. Although the property lies close to the road junction, it is not a traditional corner plot due to the relationship with 23 St Maurice Road. In this situation, a single storey side extension up to 4 metres high would be permitted development.

14. Officers do not consider the proposal as a whole will result in demonstrable harm to this streetscene.

Do materials match or are they appropriate?

15. Yes. The proposal is to be rendered front and back, with a tile-hung flank wall and roof. Whilst the existing side wall is rendered, the proposed materials are considered appropriate in this context.

Is the scale subservient and/or appropriate?

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

### **Other Impacts**

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

19. No proposed changes to existing off-street parking.

### **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 is designed for the benefit of a disabled resident. 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 **13.06.2017** 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****

Plans and Elevations L01 01 A received 13/06/17

Plans and Elevations L01 02 B received 05/07/17

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.

## **Informatives**

### **1      **INFORMATIVE: CONDITIONAL APPROVAL WITH 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).