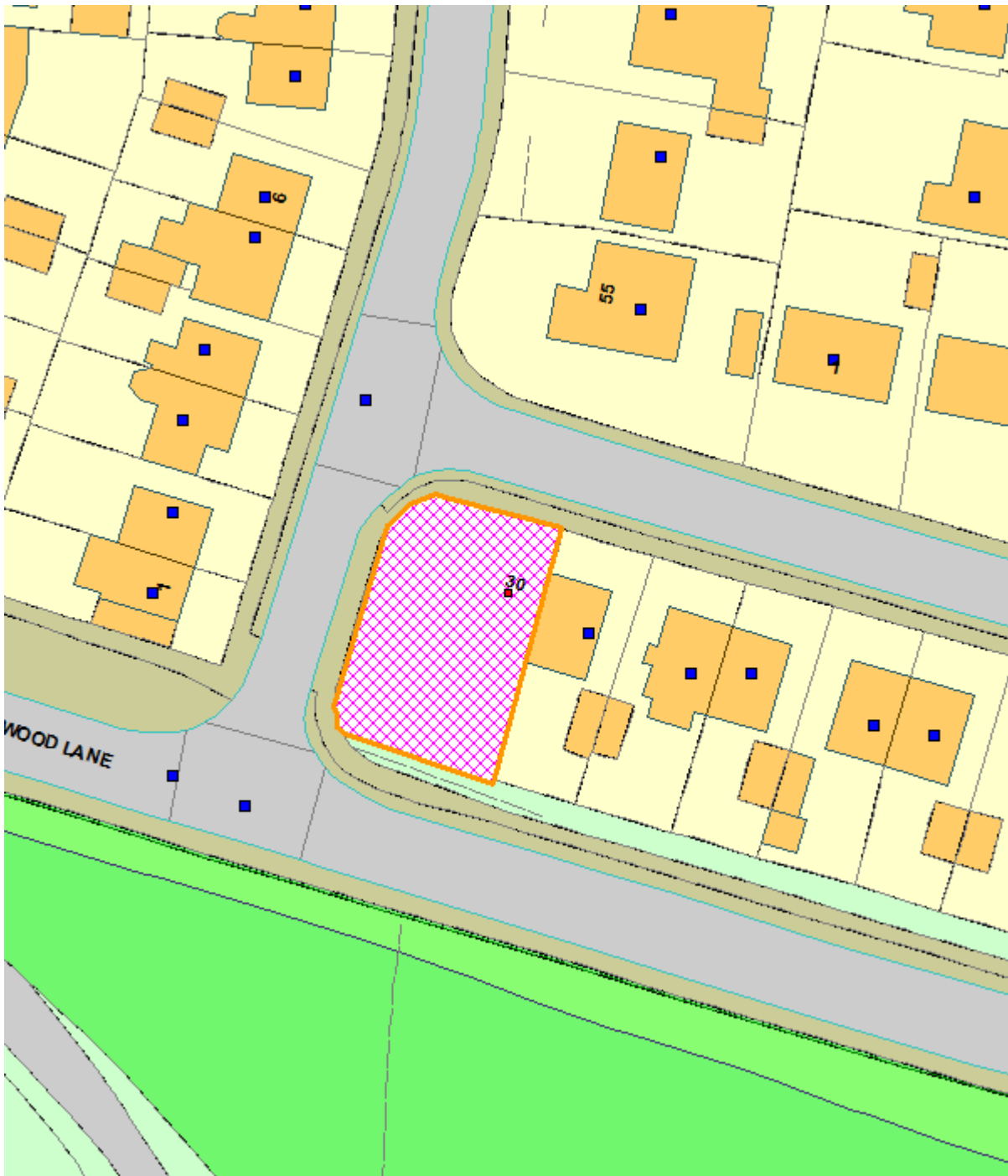


PLANNING APPLICATION OFFICERS REPORT



Application Number	17/01937/FUL	Item	01
Date Valid	29.09.2017	Ward	PLYMPTON ERLE
Site Address	30 Canhaye Close Plymouth PL7 IPG		
Proposal	Side extension for dependant relative including hardstanding		
Applicant	Councillor David James		
Application Type	Full Application		
Target Date	24.11.2017	Committee Date	14.12.2017
Extended Target Date	18.12.2017		
Decision Category	Member/PCC Employee		
Case Officer	Mrs Alumeci Tuima		
Recommendation	Grant Conditionally		



This application is brought to Planning Committee because the applicant is a Councillor.

30 Canhaye Close is a semi-detached dwelling located within the Yealmstone Farm area. The property has the same design as others on the south side of Canhaye Close but is finished in render and features a dual pitched side extension and a dual pitched attached garage. The property is situated along a corner plot at the junction of Canhaye Close with Burniston Close. The site slopes up to the rear where it joins Wolverwood Lane which is a classified road. The ground floor of the existing house is set above street level, with a small flight of steps inside the front door leading up to the ground floor level.

2. Proposal Description

The proposal seeks permission for a side extension for dependant relatives including a hardstanding. The annex would be accessed from the entrance lobby of the main house and would also feature a

side entrance and access to the rear garden. The accommodation includes bedroom, bathroom, kitchen and living room.

The proposal involves the demolition of the garage and its replacement with a single storey side extension which would further extend the dual pitched roof extension towards Burniston Close. The building line established by the existing extension by approximately 3m, before the extension steps back by approximately 1m and continues to be within 1.4m of the Burniston Close footway.

The extension is split into two levels, with the lower level at the front comprising of bedroom and bathroom being at the same level as the entrance porch, and the upper level at the rear being at the same level as the ground floor of the main house.

At the rear, the new extension would feature a flat roof with a roof lantern and bi-folding doors opening onto the garden.

The extension would be finished in render and matching roof tiles.

3. Pre-application enquiry

None requested

4. Relevant planning history

None

5. Consultation responses

Transport: Standing Advice required

6. Representations

One x Letter of Objection: Loss of parking

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 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 an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

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 Supplementary Planning Document.

8. Analysis

1 This application has been considered in the context of the development plan, the approved Plymouth and West Devon Local Plan, the Framework and other material policy documents as set out in Section 7.

2 The application is relevant to policies DEVI(1) (Protecting Health and Amenity) and DEV20 (Place shaping and the quality of the built environment) of the emerging Joint Local Plan, as well as Policies CS02 and CS34 of the Local Development Framework Core Strategy 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 is its impact on neighbouring amenity and the impact on the character and appearance of the area.

Principle of the Development

3 The Development Guidelines SPD (para 2.2.85) points out that Residential extensions such as 'annexes' can provide accommodation which enables families to care for elderly or disabled or other dependent relatives. Problems can arise, however, where this type of development constitutes a self-contained unit either severed from the main house or which could, with little or no adaptation, potentially be severed from the main dwelling to form a separate unit. This can result in the creation of sub-standard accommodation with inadequate privacy, access provision, parking and amenity space.

The SPD goes on to advise (2.2.86) that the Council shall have regard to its general arrangement, in particular the extent to which facilities such as bathrooms, kitchens and toilets are shared.

Having reviewed the proposed plans and been on site to assess the application, officers note that the proposed annex contains sufficient facilities, that it is not reliant on facilities such as bathrooms or kitchen within the main house.

Whilst the annex has a side entrance (accessed from a shared driveway) which could be used as a main entrance, it does include an internal link providing access between the main house and annex inside the building. It also features a shared driveway and garden.

Officers conclude that the scale and layout of the proposed annexe is such that it would be capable of being used as private, self-contained unit of accommodation not ancillary to the main dwelling. Furthermore, in recent appeal decisions for annexes (including accommodation in detached buildings

within the curtilage of a dwelling) refusals have been overturned to allow annexes provided that these are subject to a planning condition restricting the occupancy of the annex. In this case, such a condition is also considered adequate to ensure that the extension is ancillary to the main dwelling.

Design

4 In order to maintain a positive effect on street scene, as a corner plot the extension should generally be at least 3 metres from the pavement edge as noted in SDP Guideline 2.2.50. The proposed separation distance from the side extension to the pavement edge is approximately 1 metre and on balance this has been acceptable given the existing high boundary fence and that the extension is single storey. An increase in this separation distance would further reduce the width of the side extension which would then result in an unreasonable bedroom size that could potentially fall below acceptable space standards. It was therefore considered on balance that the side extension would be acceptable given that it remains subordinate as well as set back from the principal elevation.

5 With regard to character and appearance, Officers note that the proposed design appears to be prominent from street scene in terms of scale, massing, style, layout and appearance, particularly from the rear where the elevated position of Wolverwood Lane would enable views of the extension over the boundary fence. Officers have suggested to the applicant that if the rear part of the extension were lowered to match the front this would significantly reduce its prominence from the side and rear. Whilst eliminating the need for steps internally it would also suit the adapted needs of a vulnerable end user. However, the applicant stated that this would require significant excavation to the rear which would be prohibitively expensive and that an excavated level would result in external steps to access the upper garden terrace. The applicant feels that internal steps were more appropriate and easier to manage than external steps, hence the proposed design. In mitigating its impact on street scene, the applicant has agreed that a condition will be attached to include soft landscaping and boundary treatment to lessen its visibility particularly where the rear is raised with a flat roof. Whilst this is not ideal, officers have considered on balance that this is not a sufficient harm to warrant a refusal.

6 Given its positioning away from the nearest habitable rooms from the adjacent dwellings, the extension is not considered to result in loss of light, overlooking or privacy issues and is therefore considered acceptable.

Hardstanding

7 In the absence of the integral garage the resultant loss of parking has meant the creation of a hardstanding forward of the principal elevation will be assessed via Standing Advice as requested by the Local Highways Authority. Officer advice on minor transport matters suggests that a non-permeable hardstanding requires an internal soakaway system which will be conditioned prior to first use of the annex. In terms of its proposed dimensions, the hardstanding is within adequate parking restrictions of approximately 2.4m x 4.8m and is therefore acceptable, subject to condition.

8 The proposal is considered to comply with policies DEVI(1) (Protecting Health and Amenity) and DEV20 (Place shaping and the quality of the built environment) of the emerging Joint Local Plan, as well as Policies CS02 and CS34 of the Local Development Framework Core Strategy.

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 required

11. Planning Obligations

None required

12. Equalities and Diversities

The proposal has considered the proposed benefits to accommodate an elderly dependent relative.

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 the Council's adopted planning policy, supplementary planning documents and national guidance, and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated **29.09.2017**
it is recommended to **Grant Conditionally**

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Site Location Plan 3306-OS - received 29/09/17

Existing Plans 3306-01 - received 06/11/17

Existing Elevations 3306-02 - received 06/11/17

Proposed Plans 3306-03 Rev A received 06/11/17

Proposed Elevations 3306-04 Rev A received 06/11/17

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 CONDITION: SOFT LANDSCAPE WORKS

PRE-OCCUPATION

The soft landscape details shall include planting plans including the location of all proposed plants their species, densities and height along the boundary wall to the west. Details shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and implemented within 3 months of occupation. The landscaping shall thereafter be maintained in perpetuity for the foreseeable future.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

4 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

The extension shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

5 CONDITION: ANCILLARY OR INCIDENTAL USE

The proposed extension shall only be used for purposes incidental or ancillary to the primary use of the premises as a single dwelling.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority; this condition is in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 and 123 of the National Planning Policy Framework 2012.

Informatives

1 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).

2 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.