

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	19/00831/FUL	<b>Item</b>	01
<b>Date Valid</b>	23.05.2019	<b>Ward</b>	PLYMPTON CHADDLEWOOD
<b>Site Address</b>	60 Wain Park Plymouth PL7 2HX		
<b>Proposal</b>	Extension to existing balcony.		
<b>Applicant</b>	Mr & Mrs Anderson		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	18.07.2019	<b>Committee Date</b>	27.06.2019
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Mr Macauley Potter		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to the Planning Committee as the applicant is an employee of Plymouth City Council.

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

60 Wain Park is a two storey detached dwellinghouse located in the Plympton Chaddlewood area. The application site is a corner plot which fronts both Wain Park and Grange Road.

### **2. Proposal Description**

Extension to existing balcony. The balcony has a current depth of 0.6 metres, a width of 2.7 metres and a height (to the top of the balustrading) of 2.3 metres. The proposed balcony will have a depth of 1.2 metres, a width of 2.7 metres and a total height of 2.4 metres.

### **3. Pre-application Enquiry**

A pre application enquiry was made for this application. The Case Officer considers the proposal to be minor and as such outlook will not greatly change (in essence the existing balcony will increase to double the depth). The Case officer photographed viewpoints factoring in this depth increase and considered there to be no adverse privacy concerns for both the neighbours to the east and south as well as the applicant. Advised that a planning application would be acceptable in principle.

### **4. Relevant Planning History**

06/00003/FUL - Private motor garage attached to north side of existing dwellinghouse, with access at junction of Wain Park and Grange Road (existing garages to be removed) – application withdrawn.

### **5. Consultation Responses**

None requested.

## **6. Representations**

None received.

## **7. Relevant Policy Framework**

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and by West Devon Borough Council and Plymouth City Council on March 26th 2019.

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 – 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption. This is set out in the Housing Position Statement conclusions in paragraphs 8.6 and 8.7. The three authorities have jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level, and are currently awaiting a response from MHCLG regarding the Housing Delivery Test Measurement and its implications.

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

- Development Guidelines Supplementary Planning Document First Review (2013)

## **8. Analysis**

1 This application turns upon the adopted Joint Local Plan and its policies DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment), the Framework and other material policy documents as set out in Section 7.

### Design

2 The application seeks to extend out the existing balcony by 0.6 metres, the alterations are proposed to consist of stainless steel with glass balustrading all of which raise the design quality of the existing balcony. The officer considers there to be no adverse impacts to the rear elevation of the application property and will not detract from the street scene. The officer therefore concludes that the scheme will be acceptable from a design perspective.

## Amenity

3 The Development Guidelines SPD paragraphs 2.2.26 and 2.2.27 on balconies and roof gardens states:

“Balconies and roof gardens are often unacceptable in urban areas because of the impact they can have on the privacy of neighbours. In assessing a proposal for a balcony or roof garden the degree of overlooking will be considered.”

“Balconies or roof gardens in proposed extensions should not be sited so that they impinge to an unacceptable extent on the privacy of neighbours’ gardens or habitable rooms. However, a balcony that is set back within an extension on the rear elevation of a house may sometimes be acceptable as the extent of potential overlooking is then reduced.”

6 The case officer has considered the proposed scheme in conjunction with the above paragraphs. The increased depth is marginal and the outlook will remain largely unchanged. Currently there is a view into the adjacent neighbouring garden and its raised decking area on the rear elevation, the line of sight currently has little adverse impact to amenity and therefore privacy under the resulting scheme will not be demonstrably affected.

## **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**

N/A

## **11. Planning Obligations**

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

## **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

## **13. Conclusions and Reasons for Decision**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposed balcony extension accords with policy and national guidance in terms of design and amenity and is therefore recommended for approval.

## **14. Recommendation**

In respect of the application dated 23.05.2019 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****

Existing Plans and Elevations J171-01 - received 22/05/19  
Proposed Plans and Elevations J171-02 - received 22/05/19

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

### **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: (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: UNCONDITIONAL APPROVAL (APART FROM TIME LIMIT AND APPROVED PLANS)****

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy

Framework 2019, the Council has worked in a positive and pro-active way [including pre-application discussions] and has granted planning permission.