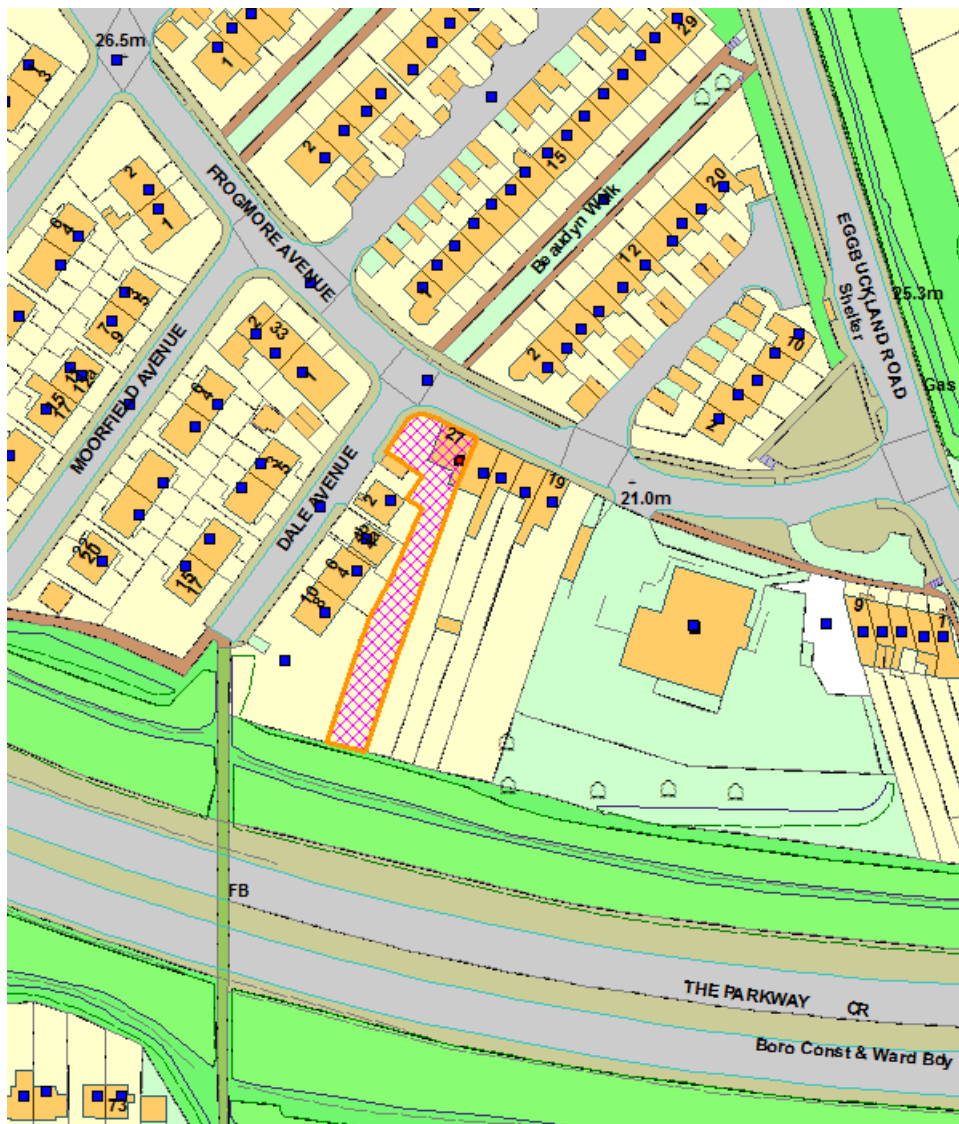


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/01235/FUL	<b>Item</b>	01
<b>Date Valid</b>	16.07.2021	<b>Ward</b>	EGGBUCKLAND
<b>Site Address</b>	27 Frogmore Avenue Plymouth PL6 5XH		
<b>Proposal</b>	Side extension and wetroom as annex, rear extension and alterations		
<b>Applicant</b>	Ms Patricia Small		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	10.09.2021	<b>Committee Date</b>	16.09.2021
<b>Extended Target Date</b>	17.09.2021		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Mr Paul McConville		
<b>Recommendation</b>	Grant Conditionally		



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

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

27 Frogmore Avenue is a two storey end terrace dwelling in the Eggbuckland ward of Plymouth. The side garden immediately west of the property is on the corner where Frogmore Avenue meets Dale Avenue.

### **2. Proposal Description**

Side extension and wet room as annex, rear extension (conservatory) and alterations.

The side extension (bedroom) is set back 2.75m from the principal elevation and measures 5m wide by 3.75m deep. The bedroom will have a hipped roof which will join the existing single storey side extension (kitchen).

The rear extension will join the neighbouring outbuilding of 25 Frogmore Avenue at the boundary. This part of the extension along the boundary is 4m deep and 2.45m wide.

The conservatory aspect of the rear extension measures 3.4m deep and 5.5m wide. This conservatory also joins the new walkway and wet room which measures 3.45m deep and 2.5m wide.

The rear extension and adjoining walkway/wet room have a flat roof which measures 2.9m in height.

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

No pre-application enquiry associated with this application.

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

87/02690/FUL- Two storey extension to dwelling house. Granted conditionally but development never carried out.

### **5. Consultation Responses**

Highway Authority- No objections.

Highways England- No objections.

### **6. Representations**

None received.

### **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. For the purposes of decision making, as on 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).

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

\*The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

### **8. Key Issues/Material Considerations**

1. This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies DEVI (Protecting health and amenity), DEVI0 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment) and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

#### **Site context**

2. There is currently a single storey rear extension which joins a similar extensions associated with 25 Frogmore Avenue along the boundary. The rear extension measures 4m deep by 1.75m wide.
3. The property also has a single storey side extension with a mono pitched roof.

#### **Principle of Development**

4. Joint Local Plan policies indicate that the proposal is acceptable in principle.

#### **Negotiations Undertaken**

5. Officers requested amendments to the proposal to enhance the design of the development.

6. The original plans proposed vertical cedar boarding on the external walls. Officers considered this material to be out of keeping with the existing dwelling and this has subsequently been changed to render painted white to match the existing dwelling.
7. New windows were added to the front elevation of the new bedroom to break up the blank façade and add natural surveillance.
8. The revised plans are considered acceptable and the assessment has been based on the revised plans.

Functionality as an annex

9. When considering if the extension is capable of being occupied independently, the LPA will consider how the facilities of the main dwelling are shared. As per paragraph 4.130 of the JLP SPD, the Local Planning Authority expect an annex to:
  10. Be an extension to the existing dwelling, or an outbuilding sited within its garden.
  11. Be functionally related to the main dwelling, for example where the occupant is a dependent relative of the main dwelling's resident(s)
  12. Be used only in conjunction with the main dwelling; Be in the same ownership as the main dwelling.
  13. Be accessed via the main dwelling or its garden and not by means of an independent access.
  14. Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently.
  15. Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the annexe.
  16. Be designed in such a way as to easily allow the annexe to be used as an integral part of the main dwelling at a later date.
  17. The annex is required by the applicant to provide care for her elderly father. Officers are satisfied that the annex meets each of the above criteria and will be used only in conjunction with the main dwelling and will be reliant on the facilities and floor space provided by the main dwelling.

Visual Impact

18. Officers have considered the visual impact of the development against the guidance in the JLP SPD and consider it acceptable.
19. Paragraph 13.37 of the JLP SPD states;
20. "In order to ensure that a side extension does not over-dominate the existing house or street-scene, it should generally be subordinate (smaller) in scale to the original dwelling and set back from the front of the property, especially in a street characterised by regularly spaced properties of similar design and scale."
21. The side extension is well set back from the main principal elevation fronting onto Frogmore Avenue and joins the roof of the existing single storey side extension. The development is considered to be subordinate and will not distract from the existing building line or character

of the area. Notwithstanding this, officers consider that the existing vegetation will screen the proposed development and as such, a condition has been added to retain and protect this vegetation.

22. The rear extension is considered to be in keeping with the main dwelling and the character of the area. Officers consider the flat roof of the rear extension to be acceptable as it is not in a prominent position.
23. The flat roof on the walkway/ wet room is considered acceptable as it is set back from the new bedroom and is therefore not visible from Frogmore Avenue. Although this flat roof is visible from Dale Avenue, officers do not consider this to have an adverse impact on the street scene.
24. The proposed materials match those of the existing dwelling; therefore officers consider the development to be in keeping with the existing dwelling and surrounding area and in accordance with policy DEV20 of the Joint Local Plan.

#### Amenity

25. Officers have considered the impact of the proposal on neighbouring amenity against the guidance in the JLP SPD with specific reference to loss of light, privacy and outlook and consider the proposals acceptable and in accordance with policy DEV1.
26. The proposed rear extension does not extend beyond the existing outbuilding associated with of No. 25 Frogmore Avenue. As such, the development will not result in a loss of available light to the neighbouring habitable windows.
27. The windows introduced on the front and side of the new bedroom offer natural surveillance onto both Frogmore Avenue and Dale Avenue.

#### Transport and parking provision

28. Following this development, the property will benefit from a total of three bedrooms. In line with the JLP SPD, a three bedroom property generates a car parking demand of two car parking spaces. This equates to no increase in car parking demand from the existing two bedroom property.
29. On the basis that the development does not increase parking demand for the property, the Local Highway Authority has no objections to the proposal. Officers consider the development to be in accordance with policy DEV29 of the Joint Local Plan and therefore acceptable.

#### Other Considerations

30. The development is not considered to have a demonstrable impact on surface water and flood risk. Surface water is to be drained via the soakaways detailed on approved plan P02/02.
31. Officers are satisfied that an appropriate drainage solution is in place, commensurate to the scale and nature of the development so that it will not conflict with policy DEV35 of the JLP.

### **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.

### **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**

The proposed developments are considered to enhance the appearance of the existing dwelling without having adverse impacts on the street scene. The development does not pose any amenity issues or adverse highway concerns. Therefore, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, officers have concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 16.07.2021 it is recommended to Grant Conditionally.

### **15. Conditions / Reasons**

#### **1 CONDITION: APPROVED PLANS**

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

Site Location Plan 09072021 - received 09/07/21

Existing and Proposed Ground Floor Plans and Elevations P02/02 - received 23/08/21

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.

**3      CONDITION: DRAINAGE SOAKAWAY**

The development shall be carried out in accordance with the drainage plan on P02/02 and the approved details shall be maintained so as not to cause on or off site flooding.

Reason:

To ensure that the development does not result in adverse surface water conditions in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**4      CONDITION: EXISTING TREES/HEDGEROW TO BE RETAINED AND PROTECTED**

In this condition "retained tree/hedgerow" refers to the existing vegetation around the boundaries to the west of the property; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree/hedgerow shall be cut down, uprooted or destroyed, nor shall any trees be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree/hedgerows are removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, replacement trees shall be planted at the same place and that hedging/ shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason:

To ensure that the existing landscaping is retained, protected and properly maintained thereafter, and so as to screen the visual appearance of the proposed development in accordance with policies DEV20 and DEV28 of the Plymouth and South Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**5      CONDITION: RESIDENTIAL ANNEX**

The annex hereby approved shall only be used for purposes incidental to the enjoyment of 27 Frogmore Avenue, Plymouth, PL6 5XH; and shall at no time be severed to function as an independent residential dwelling.

Reason:

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development nor create living conditions which are unsatisfactory in accordance with Policies DEVI, DEVI0, DEV20 and DEV29 of the adopted Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework.

**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 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.

**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: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):  
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

**5 INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

- Design and Access Statement
- Property Ownership Searches