

**ITEM NO. 8****COMMITTEE DATE:** 13/02/2017

**APPLICATION NO:** 16/1391/03 FULL PLANNING PERMISSION  
**APPLICANT:** Ms Noble  
**PROPOSAL:** Retrospective application for first floor extension to garage/  
outbuilding (revisions to approved scheme ref. 15/0975/03).  
**LOCATION:** 3 Lymeborne Avenue, Exeter, EX1 3AU  
**REGISTRATION DATE:** 04/11/2016  
**EXPIRY DATE:** 30/12/2016

**HISTORY OF SITE**

06/1025/18 -	Alterations to roof to include side dormer window extension (Certificate of Lawfulness of Proposed Development)	WLU	02/08/2006
07/0835/03 -	Two conservatories on rear elevation and front porch	PER	26/06/2007
07/1912/03 -	Conservatory on north east elevation	PER	23/10/2007
15/0975/03 -	Erection of first floor extension to rear garden garage.	PER	12/11/2015
15/1324/32 -	Discharge of Condition 3 of application 15/0975/03 approved 12 November 2015.	PER	22/12/2015

**DESCRIPTION OF SITE/PROPOSAL****Site**

- The application site is situated in the Heavitree Ward and just beyond the north eastern boundary of the Heavitree Pleasure Ground;
- The property is a semi-detached dwelling house located in a low-density residential cul-de-sac;
- The surrounding area consists mainly of semi-detached dwellings that were constructed in the early-mid 20th Century and that are situated on sizeable plots of land.

**Proposal**

The proposal seeks retrospective planning permission for amendments to the approved outbuilding (ref. 15/0975/03) - the modifications to the approved scheme comprise:-

- The insertion of obscure-glazed and fixed shut French doors at first floor level on the south west elevation;
- Increased outbuilding width from 3.1m to 3.2m;
- An increased length from 7.7m to 8m; and,
- An increased maximum height from 4.7m to 4.9m.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

No additional information was supplied by the applicant.

**REPRESENTATIONS**

5 objections were received during the public consultation period - the materials planning considerations raised comprise:

- Overlooking/ loss of privacy;
- Overshadowing/ loss of sunlight;
- Inappropriate design/ impact upon the character of the area.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **National Planning Policy Framework (2012)**

Core Planning Principle 4

Section 7 - 'Requiring good design'

### **Exeter Local Plan First Review 1995-2011 (2005)**

DG1 Objectives of urban design

DG4 Residential layout and amenity

### **Exeter City Council Development Delivery DPD (2015)**

DD13 Residential Amenity

## **OBSERVATIONS**

This planning application seeks to regularise a range of aspects of the current as built structure which do not strictly accord to the approved details of scheme ref. 15/0975/03. The modifications sought are set out in the description of the proposal above.

The amendments sought in relation to the massing of the outbuilding collectively represent a marginal increase in the overall size and visibility of the structure - none of the enlarged dimensions exceed 300mm. Perhaps the most sensitive of these increased dimensions is the raising of the ridgeline height and the increase sought in this respect is 200mm. The applicant and neighbours have previously been advised that it would not be expedient to take enforcement action in respect of these increased dimensions.

The insertion of an additional window at first floor level on the south west elevation is not considered to be problematic given that this window would be obscure glazed and fixed shut to thereby eliminate any possibility of overlooking of neighbouring properties. The window is visible from Lymeborne Avenue, and to a lesser extent from Heavitree Pleasure Ground, but does not detract from the character of the area.

It is considered that the modest enlargement of the outbuilding and the insertion of an additional window is acceptable because the added impact upon the amenity of neighbours and the character of the street scene (Lymeborne Avenue) and the wider area is very low.

## **DELEGATION BRIEFING (20/12/2016)**

Members deferred the application in order to undertake a Member Site Inspection.

## **SITE INSPECTION**

Members viewed the site from the street and from within the curtilages of 2 and 3 Lymeborne Avenue. They noted the details of the approved scheme and the differences between that and the current proposal. They also noted the relationship between the development and neighbouring properties, including the relative position of windows. The Assistant City Development Manager summarised the objections that had been received. Members expressed concern about the unauthorised windows in the front elevation and their potential impact on the privacy and amenity of neighbours. They considered that, in accordance with the terms of the application, these windows should be obscure glazed and fixed shut. Members also noted that a previously approved roof light in the side elevation of the development within 2 Lymeborne Avenue had not been fitted with obscure glazing as required by a condition of the original approval. They asked that this condition be repeated in any revised approval, and that compliance is appropriately enforced.

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 04 November 2016 (*application form and dwg. nos. PL/SLP/01, PL/PRO.FLOOR & ROOF PLANS/01 and PL/PRO.ELEVATIONS/01*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved details.
- 3) C26 - Domestic Use Only
- 4) The scheme hereby approved will be an ancillary addition to the main dwelling and will not become or be part of an independent residential unit, unless otherwise agreed in writing by the Council.  
**Reason:** To prevent an overbearing form of development and to protect the amenity of adjoining neighbours.
- 5) Before the development hereby approved is brought into use the proposed windows in the first floor east and south elevations of the property shall be permanently glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the first floor of these elevations.  
**Reason:** To protect the amenities of the adjoining property.

Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre,  
Civic Centre, Paris Street, Exeter: Telephone 01392 265223