

# Appeal Decisions between 06/01/2020 and 02/03/2020

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
13/01/2020	19/00741/FUL	2019/0023	Appeal Dismissed	APP/N1160/D/19/3231986
<b>Ward</b>				
Peverell				
<b>Address</b>				
1 Brean Down Road Plymouth PL3 5PU				
<b>Application Description</b>				
First floor extension				
<b>Appeal Process</b>		<b>Officers Name</b>		
Householder Fast Track		Mr Sam Lewis		
<b>Synopsis</b>				
<p>Planning permission was refused for a first floor dormer extension as it was considered to be contrary to JLP policies DEV1 and DEV20. This was due to concerns regarding loss of privacy to neighbouring properties, as well as it being harmful to the streetscene. Since refusing the application, a Lawful Development Certificate was submitted for a smaller version of the scheme which was considered to be permitted development. These details were passed on to the Inspector to form part of the overall appeal documentation. Following a site visit, the Inspector dismissed the appeal and agreed in part with the Council's reasons for refusal. The Inspector agreed that the proposal would not be a sympathetic addition to the property and create an incongruous box-like addition to the roof. They agreed that the proposal would not conform with DEV20. Due to the Lawful Development Certificate allowing a smaller version of the scheme however, which includes a window overlooking neighbouring properties, the Inspector did not agree that the proposal would be in conflict with DEV1. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
12/02/2020	19/00738/FUL	2019/0034	Appeal Dismissed	APP/N1160/W/19/3240283
<b>Ward</b>				
Drake				
<b>Address</b>				
20 Waterloo Street Greenbank Plymouth PL4 8LY				
<b>Application Description</b>				
Change of use to 3no. flats (Class C3)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Chris Cummings		
<b>Synopsis</b>				
<p>Planning permission was refused for a change of use of an existing dwelling to three flats as it was considered contrary to Policies DEV1 and DEV10 of the Plymouth and South West Devon Joint Local Plan. It was also considered contrary to guidance set out in the National Planning Policy Framework and the Nationally Described Space Standards (NDSS). Having reviewed the application, the Inspector supported the Council's view that the development results in substandard accommodation and poor living conditions for occupants of the flats by failing to meet the floorspace requirements of Policy DEV10 and the NDSS and additional privacy harm to the ground floor flat due to the positioning of communal areas adjacent to a bedroom window. The Inspector noted that there was no compelling evidence to indicate that the housing mix is problematic and substandard accommodation should be provided. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
13/02/2020	19/00417/FUL	2019/0030	Appeal Dismissed	APP/N1160/W/19/3236903
<b>Ward</b>				
Plymstock Dunstone				
<b>Address</b>				
90 Wembury Road Plymouth PL9 8HF				
<b>Application Description</b>				
New dwelling and associated parking				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Miss Amy Thompson		
<b>Synopsis</b>				
<p>Planning permission was refused for the erection of a single dwelling and associated parking at 90 Wembury Road. The proposal was considered to be contrary Plymouth and South West Devon Joint Local Plan Policies DEV1, DEV10 and DEV20, Paragraph 2.2.30 and 2.2.32 of the retained Development Guidelines Supplementary Planning Document and paragraph 70 of the National Planning Policy Framework 2019. Having reviewed the application, and visited the site, the Inspector supported the Councils view that the proposed development would be an unduly cramped form of development with an uncharacteristically short rear garden area. The Inspector made reference to the blank rear elevation of the proposed development and how it would not accord with the National Planning Policy Framework, which requires new development to be visually attractive as a result of good architecture. The Inspector also supported the Councils view that the proposal had not demonstrated that it would not harm the living conditions of the occupiers of 88a Wembury Road in respect of outlook and overshadowing. The appeal was therefore dismissed. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
26/02/2020	18/00793/FUL	2019/0026	Appeal Dismissed	APP/N1160/W/19/3233602
<b>Ward</b>				
Plymstock Radford				
<b>Address</b>				
Seawings, 101 Lawrence Road Plymouth PL9 9SJ				
<b>Application Description</b>				
Demolition of existing building and erection of new build comprising of 8 residential apartments (Class C3) and associated works				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Chris King		
<b>Synopsis</b>				
<p>The proposal sought permission to amend the design of a previously consented scheme by removing the commercial unit from the ground floor of the proposal. The appellant argued that adding an active ground floor use would not be commercially viable, and that this site was not identified as a key waterfront site through polices. The appellant provided viability evidence in attempt to demonstrate that a commercial unit, of any size, would not be viable thus undermining the overall scheme. To mitigate the inactiveness as a result of removing the commercial unit the applicant added Historical Interpretation Panels to enhance the blank elevations. The Local Planning Authority refused planning permission due to poor design at ground floor level resulting in an inactive frontage in a key waterfront location, referring specifically to Policies SO3, SO11, PLY1, PLY20, PLY21 and DEV20 of Joint Local Plan. The inspector noted however that whilst certain waterfront areas in the city , such as The Barbican, Sutton Harbour or Millbay, which are specifically singled out for protection or enhancement, this does not preclude other areas such as Mount Batten from similar treatment, including development that supports tourism and the visitor economy. The inspector added further that there is no specific requirement to include commercial uses in this residential development but, given the overall wording and intention of the above policies, I conclude that the proposed building dismissed, as the Inspector confirmed that the design of the ground floor of the proposed building would be unacceptable, because it would not provide sufficient life or activity at this key highly prominent waterfront site in the city.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
26/02/2020	19/00910/FUL	2019/0032	Appeal Allowed	APP/N1160/W/19/3238689
<b>Ward</b>				
Plymstock Radford				
<b>Address</b>				
30 Burrow Hill Plymouth PL9 9LE				
<b>Application Description</b>				
Rear ground floor balcony (Part retrospective)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Mike Stone		
<b>Synopsis</b>				
<p>Planning permission was granted for a part retrospective rear balcony. There had been objections from the neighbour to the rear, a property set below the subject property. To try and mitigate the impact on this property a condition requiring the balcony balustrade to be obscure glazed was added. Having reviewed the application, and visited the site, the Inspector did not support the Councils view that the obscure glazing condition was necessary to protect privacy. It was considered that, by virtue of the low height of the balustrade, it did not work as a privacy screen and was therefore unnecessary. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
26/02/2020	19/01153/FUL	2019/0038	Appeal Dismissed	APP/N1160/W/19/3238556
<b>Ward</b>				
Stoke				
<b>Address</b>				
Eclipse House, 5 Somerset Place Lane Plymouth PL3 4BH				
<b>Application Description</b>				
Change of use from office (Class B1) to no.2 flats (Class C3)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Chris Cummings		
<b>Synopsis</b>				
<p>Planning permission was refused for a change of use from offices (Class B1) to 2 flats (Class C3) as they were considered to be contrary to Policies DEV1 and DEV29 of the Plymouth and South West Devon Joint Local Plan. It was also considered contrary to guidance contained in the Development Guidelines Supplementary Planning Document First Review and the National Planning Policy Framework. Having reviewed the application, and visited the site, the Inspector supported the Council's view that the development results in an unacceptable low level of privacy for occupants of the first floor flat, as well as creating privacy harm to dwellings on Somerset Place. The Inspector did not agree with the Council's view that there would be unacceptable increase in parking that could not be accommodated on site, with surrounding streets already at capacity, leading to highway safety issues. The Inspector noted that although there a shortfall of spaces, the site is in close proximity to necessary daily facilities, including public transport services, and therefore does not specifically conflict with Policy DEV29 of the Joint Local Plan or Supplementary Planning Document guidance. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				