

# Appeal Decisions between 05/06/2020 and 14/07/2020

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
23/06/2020	19/01567/FUL	2020/0007	Appeal Dismissed	APP/N1160/D/20/3247076
<b>Ward</b>				
Plympton St Mary				
<b>Address</b>				
176 Plymouth Road Plymouth PL7 4NR				
<b>Application Description</b>				
Single storey front extension (retrospective)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Householder Fast Track		Mr Peter Lambert		
<b>Synopsis</b>				
<p>Large front extension. Refused due to: incongruous to street scene (DEV20); and amenity impacts, specifically loss of privacy, to neighbours due to height of finished floor level taking eye line above boundary fencing as the land level drops underneath the development (DEV1). Inspector agrees that the extension is harmful to the street scene. Inspector considers the privacy of neighbours to be protected by way of fencing between properties. Therefore disagrees with the second refusal reason regarding privacy.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
29/06/2020	19/01703/FUL	2020/0005	Appeal Dismissed	APP/N1160/W/20/3247029
<b>Ward</b>				
Plymstock Radford				
<b>Address</b>				
10 Pollard Close Plymouth PL9 9RR				
<b>Application Description</b>				
New dwelling adjacent to 10 Pollard Close (demolition of existing outbuildings)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Chris Cummings		
<b>Synopsis</b>				
<p>Planning permission was refused for demolition of existing ancillary building and erection of a new attached dwelling house as it was considered to be contrary to Policies DEV1, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2019. It was also considered contrary to guidance contained within the Council's Development Guidelines Supplementary Planning Document First Review and the National Planning Policy Framework. Having reviewed the application, the Inspector supported the Council's view that the development be harmful to the character and appearance of the area and would not integrate with surrounding buildings. The Inspector also supported the Council's view that the proposal did not meet the floorspace requirements of the National Described Spaces Standards and provided inadequate living conditions for future occupants. It was noted that the appellant stated the dwelling was a 'starter home', but no planning obligation had been submitted to restrict the dwelling and it was therefore considered as open market housing. An application for costs was submitted by the appellant and was dismissed by the Inspector who advised that there was no evidence to suggest the Council acted unreasonably, and that the applicant was not unnecessary put to the expense of submitting the appeal. No costs were applied for by the Council and none were awarded.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
29/06/2020	19/01723/FUL	2020/0006	Appeal Dismissed	APP/N1160/D/20/3248247
<b>Ward</b>				
Plymstock Dunstone				
<b>Address</b>				
63 Church Road Plymstock Plymouth PL9 9AT				
<b>Application Description</b>				
Hardstanding (retrospective)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Householder Fast Track		Mr Sam Lewis		
<b>Synopsis</b>				
<p>Planning permission was refused for a retrospective hardstanding as it was considered to be contrary to JLP policies DEV1 and DEV29. This was due to concerns regarding highway safety as a result of a lack of on-site turning and poor intervisibility. The application followed a previous refusal for a similar scheme (which resulted in a dismissed appeal), but the applicant had amassed evidence since the previous refusal which he felt demonstrated that the hardstanding could be used safely. Following a site visit and an assessment of the evidence provided, the Inspector dismissed this second appeal and agreed with the Council's views that a lack of on-site turning and poor intervisibility would lead to an unsafe hardstanding. The Inspector felt that the proximity to the Stanborough Road junction could lead to conflicts between vehicles turning left into Church Road and those exiting the hardstanding, particularly as cars would need to reverse out of the hardstanding. The Inspector also concluded that mitigation measures such as placing a mirror on third-party land were not suitable alternatives to providing adequate visibility splays. In conclusion, the Inspector dismissed the appeal as they considered that the scheme was in conflict with JLP policy DEV29. 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
02/07/2020	19/01838/FUL	2020/0010	Appeal Dismissed	APP/N1160/D/20/3252104
<b>Ward</b>				
Southway				
<b>Address</b>				
28 Goodwin Avenue Plymouth PL6 6RL				
<b>Application Description</b>				
Retrospective application for a front boundary wall (including sphere/ball ornamental pier caps)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Peter Lambert		
<b>Synopsis</b>				
Wall surrounding front garden / hardstand area. Considered to be so high and bulky as to be incongruous to the street scene (DEV20) and giving rise to highway safety impacts due to limited visibility splay (DEV29). Inspector agrees the proportion of the wall is not in-keeping with those in the area and that the scale does limit visibility, impacting highway safety.				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
03/07/2020	19/01186/FUL	2020/0004	Appeal Dismissed	APP/N1160/W/20/3247157
<b>Ward</b>				
Plymstock Radford				
<b>Address</b>				
34 The Broadway Plymouth PL9 7AS				
<b>Application Description</b>				
Change of use from retail (Class A1) to hot-food takeaway (Class A5), including installation of ventilation and extraction				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Miss Amy Thompson		
<b>Synopsis</b>				
<p>Planning permission was refused for a change of use from retail (Class A1) to hot-food takeaway (Class A5) and installation of ventilation and extraction at 34 The Broadway. The proposal was considered to be contrary Plymouth and South West Devon Joint Local Plan Policies DEV1, DEV2, DEV6 and DEV18, paragraphs 3.3.8 and 3.2.9 of the retained Development Guidelines Supplementary Planning Document and paragraph 91, 170 and 180 of the National Planning Policy Framework 2019. Having reviewed the application, and visited the site, the Inspector did not support that councils view that the proposal would harm the living condition of neighbouring occupiers with particular regards to noise or odour. The Inspector stated that the filtration system proposed would remove the the majority of particles and grease before the point of discharge to ensure emissions are almost odourless and that conditions could be imposed to ensure the rigorous maintenance of the system. The Inspector did support the view that the proposal would conflict with policy DEV6 that and paragraph 91 of the National Planning Policy Framework which seek to enable and support healthy lifestyles through the access to healthier food. The Inspector commented on the unit being set within the Broadway Shopping Centre and considered that there was sufficient range of hot food takeaways within the Centre at the present. The Inspector also noted the small number of vacant units within the Centre but considered that the evidence does not suggest that its viability and vitality is compromised specifically by the current lack of HFTs, with shops, cafes and bakeries offering opportunities to access a range of food and refreshments. The appeal was dismissed. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				