

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	13/04/2023
Ward	Honicknowle
Application Number	22/01325/FUL
Decision	Appeal Dismissed
Address of Site	4 Lakeside Drive Plymouth PL5 2QH
Proposal	Driveway (re-submission of 21/01000/FUL)
Appeal Process	Written Representations
Officers Name	Mr Macauley Potter
Synopsis of Appeals	<p>Planning permission was refused for a vehicle hardstand due to the lack of on-site turning provision and proximity to nearby junction. The property is on a classified road. This was considered to be contrary to JLP policies: DEV1, DEV20 and DEV29, guidance contained within the JLP Supplementary Planning Document and Section 9 of the NPPF. The inspector agreed with the decision, noting that the proposal conflicts with the development plan and that there are no other considerations which outweigh this conflict. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	18/04/2023
Ward	Compton
Application Number	22/01820/FUL
Decision	Appeal Allowed with Conditions
Address of Site	55 Briar Road Plymouth PL3 5JH
Proposal	Vehicle hardstanding and associated changes to front garden and steps
Appeal Process	Householder Fast Track
Officers Name	Mr Mike Stone
Synopsis of Appeals	<p>Planning permission was refused for a hardstanding as it would result in the formation of a second vehicle crossing for the property, there was an existing driveway, and this would have been contrary to Policy DEV29 (Specific provisions relating to transport) and guidance in the JLP SPD. The Inspector accepted that the proposal would conflict with policy and guidance but did not feel that there would be any harm in terms of road safety or to the character and appearance of the area as there were already a number of hardstandings in the street. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	18/04/2023
Ward	Peverell
Application Number	22/01409/FUL
Decision	Appeal Allowed with Conditions
Address of Site	6 Burleigh Lane Plymouth PL3 5PS
Proposal	Side extension (south west elevation)
Appeal Process	Householder Fast Track
Officers Name	Mr Mike Stone
Synopsis of Appeals	<p>Planning permission was refused for a flat roofed side extension that included a parapet on a bungalow that already had a large rear extension and an existing side extension as it was considered that there would be a harmful impact on the street scene and overdevelopment of the site, contrary to Policy DEV20. After visiting the site the inspector concluded that the flat roof extension would largely be screened by the parapet and not easily visible from the road. Concerning the overdevelopment of the site, the inspector said that the proposed side extension would be combined with the existing side extension and would not harm the character of the area. No applications were made for costs by either side and no costs were awarded by the inspector.</p>

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	20/04/2023
Ward	Budshead
Application Number	22/01648/FUL
Decision	Appeal Allowed with Conditions
Address of Site	85 Dunraven Drive Plymouth PL6 6AT
Proposal	2no. front dormers (re-submission of 22/00090/FUL)
Appeal Process	Householder Fast Track
Officers Name	Mr Macauley Potter
Synopsis of Appeals	<p>Planning permission was refused for 2no. front dormers as they were considered out of keeping with the dwelling and street scene. The inspector did not agree that the new dormers would result in an incongruous form of development, adding that unlike the previous box dormer refusal, a large part of the existing roof plane would be retained. Contrary to the Council's assessment, the Inspector concluded that the proposals would comply with Policy DEV20 of the Joint Local Plan and with the overall aims and objectives of the dormer window guidance within the SPD, and would also comply with the corresponding policies of the Framework and NDG. The appeal was therefore allowed subject to a recommended matching materials condition.</p>

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	28/04/2023
Ward	Plymstock Radford
Application Number	20/01454/FUL
Decision	Appeal Dismissed
Address of Site	St Annes House Jennycliff Lane Plymouth PL9 9SN
Proposal	Appeal against
Appeal Process	Written Representations
Officers Name	Mr Andre Botha
Synopsis of Appeals	<p>The inspector endorsed the findings of a previous inspector dismissing an appeal against the refusal of planning permission for the marquee. It is an unauthorised structure and a discordant feature described as intrusive in the landscape and harmful to the setting of the listed building. On ground (a) the inspector refused to grant planning permission for a temporary period of three years. The inspector upheld the appeal on ground (g) that the one month compliance period is unreasonable. He varied the compliance period to three months stating that this would achieve a balance in respect of the business interest and its value to the maintenance of the listed building, with that of the public by the removal of the harm it causes.</p>

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	02/05/2023
Ward	Budshead
Application Number	22/00181/ENF
Decision	Appeal Allowed with Conditions
Address of Site	97 Lake View Drive Plymouth PL5 4LW
Proposal	Appeal against Enforcement Notice.
Appeal Process	Written Representations
Officers Name	Mr Andre Botha
Synopsis of Appeals	<p>Appeal against an enforcement notice in respect of the unauthorised material change of use of land from dwellinghouse to a mixed use of dwellinghouse and a business use comprising a basement beauty treatment room. The inspector dismissed the ground C appeal that no breach of planning control has taken place and rejected the argument that the beauty treatment activities are incidental to the residential use. The inspector referred to the distinction made between working from home where work-related visitors are few and far between, and the situation involving routine and frequent visiting customers. He mentioned the increase in vehicular activity involving the regular arrival and departure of additional vehicles and the parking activity at the front of the property and creating a level of disturbance uncharacteristic of an otherwise quiet cul-de-sac in a residential area where high levels of residential amenity are enjoyed. On ground A the inspector granted conditional planning permission for the change of use, finding that the uncharacteristic use with routine and frequent work-related customers would not be so harmful to residential amenity as to justify refusal of planning permission. There is no objection on highway safety grounds. He held that any adverse impacts can be controlled by the conditions restricting business operation to only three days per week between specified hours and none during holidays.</p>

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	16/05/2023
Ward	Plymstock Radford
Application Number	22/00503/S73
Decision	Appeal Dismissed
Address of Site	15 Pomphlett Road Plymouth PL9 7BH
Proposal	Variation of Condition 5 (Delivery times) of application 00/01329/FUL
Appeal Process	Written Representations
Officers Name	Ms Abbey Edwards
Synopsis of Appeals	<p>Appellant sought permission to allow store deliveries to the enclosed area to the front of the store between 2200 to 0600 Monday to Sundays and Bank Holidays. Inspector considered findings of submitted BS4142 assessment (noise) indicates an adverse/significant adverse impact on nearby occupiers. It is not clear whether the evidence provided in the baseline source noise levels taken at other stores included delivery activity noise reduction measures, as suggested as part of this proposal. Nevertheless, the proposed noise mitigation measures do not appear enforceable nor effective. Concluded restricting store delivery hours is reasonable and necessary to protect living conditions of nearby residents in accordance with JLP Policies DEV1 and DEV2 and NPPF.</p>

Planning Appeal Decisions between 13/04/2023 and 06/06/2023

Date of Decision	16/05/2023
Ward	Plymstock Radford
Application Number	22/00524/S73
Decision	Appeal Dismissed
Address of Site	15 Pomphlett Road Plymouth PL9 7BH
Proposal	Variation of Condition 5 (Hours of Operation) of application 18/00408/S73
Appeal Process	Written Representations
Officers Name	Ms Abbey Edwards
Synopsis of Appeals	<p>Appellant sought permission to allow store deliveries to the enclosed area to the front of the store between 2200 to 0600 Monday to Sundays and Bank Holidays. Inspector considered findings of submitted BS4142 assessment (noise) indicates an adverse/significant adverse impact on nearby occupiers. It is not clear whether the evidence provided in the baseline source noise levels taken at other stores included delivery activity noise reduction measures, as suggested as part of this proposal. Nevertheless, the proposed noise mitigation measures do not appear enforceable nor effective. Concluded restricting store delivery hours is reasonable and necessary to protect living conditions of nearby residents in accordance with JLP Policies DEV1 and DEV 2 and NPPF.</p>

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Date of Decision	16/05/2023
Ward	Plymstock Radford
Application Number	22/00525/FUL
Decision	Appeal Dismissed
Address of Site	15 Pomphlett Road Plymouth PL9 7BH
Proposal	Erection of an enclosed loading shelter
Appeal Process	Written Representations
Officers Name	Ms Abbey Edwards
Synopsis of Appeals	<p>Appellant sought planning permission for a canopy and fencing in existing customer car parking area without complying with a condition, relating to store delivery hours attached to the planning approval. Appellant sought to allow store deliveries to the enclosed area from 2200 to 0600 Monday to Sundays and Bank Holidays. Inspector considered findings of submitted BS4142 assessment indicates an adverse to significant adverse impact on nearby occupiers. It is not clear whether the evidence provided through the baseline source noise levels taken at other stores included delivery activity noise reduction measures, as suggested as part of this proposal. Nevertheless, the proposed noise mitigation measures do not appear enforceable nor effective. Concluded condition restricting store delivery hours is reasonable and necessary to protect living conditions of nearby residents in accordance with JLP Policies DEV1 and DEV 2 and NPPF.</p>