

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	17/08/2023
<b>Ward</b>	St Budeaux
<b>Application Number</b>	22/01600/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	843 Wolseley Road Plymouth PL5 1JP
<b>Proposal</b>	Demolition of existing dwelling and erection of 2no dwellinghouses
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Jon Fox
<b>Synopsis of Appeals</b>	Inspector agreed that development would constitute over-development by being too tight to boundaries, contrary to policy DEV20, and that impact on neighbours would be unacceptable in terms of lost light and domination (DEV1). Inspector also agreed that scheme lacked adequate off-street parking, but did not agree that lack of turning is an issue (DEV29).

<b>Date of Decision</b>	29/09/2023
<b>Ward</b>	Budshead
<b>Application Number</b>	22/02010/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	198 Taunton Avenue Plymouth PL5 4EP
<b>Proposal</b>	Front bike store
<b>Appeal Process</b>	Householder Fast Track
<b>Officers Name</b>	Cody Beavan
<b>Synopsis of Appeals</b>	The inspector agreed that the front bike store would be substantial in scale and out of character with its surroundings, causing visual harm contrary to policy DEV20 of the JLP. The inspector also agreed that the proposal would have a harmful effect on the outlook and light of the neighbouring dwelling contrary to the SPD and DEV01 of the JLP.

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<b>Date of Decision</b>	05/10/2023
<b>Ward</b>	Plymstock Radford
<b>Application Number</b>	22/00592/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	St Annes House Jennycliff Lane Plymouth PL9 9SN
<b>Proposal</b>	Change of use from wedding venue and hotel/holiday accommodation to a mixed use as a events venue, holiday letting/hotel and restaurant/café (Sui Generis) with associated car parking and landscaping (part retrospective)
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Miss Amy Thompson
<b>Synopsis of Appeals</b>	<p>Planning permission was refused for the change of use of St Annes House from wedding venue and hotel/holiday accommodation to a mixed use as a events venue, holiday letting/hotel and restaurant/café with associated car parking and landscaping. The proposal was considered to be contrary Plymouth and South West Devon Joint Local Plan Policies DEV21, the Supplementary Planning Document 2020 and the NPPF. Having reviewed the application, and visited the site, the Inspector agreed with the Councils view that the proposal would harm the setting of the listed, specifically the proposed car parking area to the east of the drive up to St Annes House. The Inspector stated that the presence of parked cars in this area, particularly along the edge of the driveway, would be intrusive in the key views of the primary elevations of the listed building from Jennycliff Lane, and when approaching it down the access, resulting in harm to its setting. The Inspector made reference to the economic benefits of the proposal however concluded that the benefits would not outweigh the harm caused by the extensive car parking area, which would intrude into key views of the listed building, thereby failing to preserve its setting. The appeal was dismissed. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	05/10/2023
<b>Ward</b>	Plymstock Radford
<b>Application Number</b>	22/00837/FUL
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	St Annes House Jennycliff Lane Plymouth PL9 9SN
<b>Proposal</b>	Proposed Pavilion pool building
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Miss Amy Thompson
<b>Synopsis of Appeals</b>	<p>Planning permission was refused for a pavilion pool building within the ground of St Annes House. The proposal was considered to be contrary Plymouth and South West Devon Joint Local Plan Policies DEV21, DEV23, DEV24 and DEV27, the Supplementary Planning Document 2020 and the NPPF. Having reviewed the application, and visited the site, the Inspector disagreed with the Councils view that the proposal would harm the setting of the listed, harm the landscape character and undeveloped coast and harm the functions of the greenspace. The Inspector stated that despite its proximity to St Annes House, the proposed building would be a low-level and unobtrusive feature, which would not challenge the visual dominance or grandeur of the listed building. The Inspector also stated that due to the low profile, recessive materials and screening the proposed building would not intrude into, or obscure views of, the wider surroundings, so would not be harmful to the visual amenity of the designated landscape. Finally, the Inspector stated that as the proposal would cover an existing swimming pool, increasing the seasons and hours of the day it could be used for exercise and recreational purposes, the building would not result in the loss of any existing open green space. The appeal was allowed. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	05/10/2023
<b>Ward</b>	Stoke
<b>Application Number</b>	21/02217/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	Land At Fitzroy Road Plymouth PL1 5PY
<b>Proposal</b>	Construction of building containing 7no dwellings inc. associated parking, bike and bin storage and landscaping
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mrs Karen Gallacher
<b>Synopsis of Appeals</b>	<p>Planning permission was refused for the construction of building containing seven dwellings including associated parking, bike and bin storage and landscaping at land at Fitzroy Road. The proposal was considered to be contrary Plymouth and South West Devon Joint Local Plan Policies DEV1, DEV2, DEV7, DEV10, DEV20, DEV21, DEV23, DEV26, DEV28, DEV29, DEV30 and DEV32 the Supplementary Planning Document 2020 and the NPPF. Having reviewed the application, and visited the site, the Inspector agreed with the Councils view that the loss of woodland and its replacement with housing development would harm the setting of the Stoke Conservation area. The Inspector stated that the removal of the trees, in combination with the proposed built form, would result in clear and obvious harm in relation to a loss of spaciousness and greenery. The Inspector considered the overall effect of the proposal would be to further urbanise the immediate area and make it feel more crowded and less verdant. The Inspector did not support the Councils view that the proposal would harm the living conditions of future occupiers, that insufficient information had been submitted to demonstrate adequate mitigation for the loss of ecological diversity, would cause harm to highway safety, that insufficient information had been submitted to demonstrate that the development would reduce carbon emissions and that the appellant avoided contributions towards affordable housing and infrastructure by purposely splitting the site. The appeal was dismissed. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	20/10/2023
<b>Ward</b>	Compton
<b>Application Number</b>	22/01057/FUL
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	3-8 Connaught Lane Plymouth PL4 7BZ
<b>Proposal</b>	Demolition of buildings and construction of terrace containing 7no dwellings
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Ms Abbey Edwards
<b>Synopsis of Appeals</b>	<p>Officers considered the proposed garages serving the development would be impractical and unsafe and as a result, the development would likely result in overspill parking in an area where there are existing parking issues, contrary to JLP Policy DEV29. The Inspectorate disagreed and considered the width of the garages (which exceed minimum policy requirements) compensates for the short length of the garages and therefore access to the spaces would be possible and the spaces usable. It was noted by the Inspector that the rear service lane serving the properties experienced low number of vehicle movements and therefore conflict between highway users would be unlikely even if ingress/egress is challenging. Inspector concluded proposal was unlikely to result in overspill parking on surrounding streets, result in significant highway safety concerns, negatively affect occupiers of neighbouring properties or create a disturbance.</p>

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	30/10/2023
<b>Ward</b>	St Peters & the Waterfront
<b>Application Number</b>	22/01666/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	Pier Masters Office Phoenix Wharf Madeira Road Plymouth PL1 2NX
<b>Proposal</b>	External seating and canopy (retrospective) used in association with the adjacent premises
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Mike Stone
<b>Synopsis of Appeals</b>	<p>Retrospective planning permission and Listed Building Consent were both refused for an external seating area and canopy used in association with the adjacent Pier Masters restaurant and bar. The canopy structure was considered to be contrary to JLP Policies DEV20, DEV21 and PLY20. Having reviewed the applications and visited the site the Inspector concluded that the works did not require Listed Building Consent and so no further action need be taken on the LBC appeal. Regarding the planning permission appeal, the inspector agreed with the Councils view that the development had an adverse effect on the setting of the Pier Masters Office, failed to preserve the architectural and historic interest of the listed building and did not preserve the character or appearance of The Barbican Conservation Area. This caused less than substantial harm to these heritage assets and there were no public benefits to outweigh this harm. The development was therefore in conflict with JLP Policies DEV20 and PLY20.No applications were made for costs by either side and no costs were awarded by the Inspector.</p>

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	30/10/2023
<b>Ward</b>	St Peters & the Waterfront
<b>Application Number</b>	22/01688/LBC
<b>Decision</b>	<b>No Further Action</b>
<b>Address of Site</b>	Pier Masters Office, Phoenix Wharf Madeira Road Plymouth PL1 2NX
<b>Proposal</b>	Canopy over external seating area (retrospective)
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Mike Stone
<b>Synopsis of Appeals</b>	<p>Retrospective planning permission and Listed Building Consent were both refused for an external seating area and canopy used in association with the adjacent Pier Masters restaurant and bar. The canopy structure was considered to be contrary to JLP Policies DEV20, DEV21 and PLY20. Having reviewed the applications and visited the site the Inspector concluded that the works did not require Listed Building Consent and so no further action need be taken on the LBC appeal. Regarding the planning permission appeal, the inspector agreed with the Councils view that the development had an adverse effect on the setting of the Pier Masters Office, failed to preserve the architectural and historic interest of the listed building and did not preserve the character or appearance of The Barbican Conservation Area. This caused less than substantial harm to these heritage assets and there were no public benefits to outweigh this harm. The development was therefore in conflict with JLP Policies DEV20 and PLY20.No applications were made for costs by either side and no costs were awarded by the Inspector.</p>

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	31/10/2023
<b>Ward</b>	Plympton St Mary
<b>Application Number</b>	22/01836/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	Land At Newnham Road (inc. The Curtilage Of No. 53 Newnham Road) Plymouth
<b>Proposal</b>	Erection of 2no. detached dwellings with formation of vehicular accesses and renovation of existing dwelling to include additional storey and new renovated garage.
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Macauley Potter
<b>Synopsis of Appeals</b>	Planning permission was refused for 2no. detached dwellings on ecological grounds as the proposal did not demonstrate adequate mitigation for the significant net loss of habitat value (-64%). The inspector agreed that the proposed development would have had an unacceptable effect on biodiversity and as such would have been in conflict with policy DEV26 and SPT12 of the JLP. Overall, the inspector concluded that the proposed development would fail to accord with the development plan as a whole and that there were no considerations individually or cumulatively that outweighed this. The appeal was therefore dismissed.

# Planning Appeal Decisions between 15/08/2023 and 07/11/2023

<b>Date of Decision</b>	01/11/2023
<b>Ward</b>	Peverell
<b>Application Number</b>	22/00848/FUL
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	21 Mutley Road Plymouth PL3 4SB
<b>Proposal</b>	Technical details pursuant to permission in principle (19/01646/PIP) for 4no. terraced dwellings and associated works
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Miss Amy Thompson
<b>Synopsis of Appeals</b>	<p>Technical Detail Consent was refused for 4 terraced dwellings at 21 Mutley Road. The application was refused due to its modern design and massing being inappropriate and out of character with the existing area and Conservation Area, inadequate parking provision causing harm to highway safety, detrimental impact on the privacy of existing properties, the poor standard of accommodation relating to the limited garden sizes and inadequate provision of biodiversity net gain. The proposal was considered to conflict with policies DEV1, DEV10, DEV20 DEV29 and DEV26 of the Plymouth and South West Devon Joint Local Plan, Supplementary Planning Document 2020 and the NPPF. Having reviewed the submitted details, and visited the site, the Inspector did not support the Council's view and allowed the appeal. The Inspector considered that the massing of the dwellings adequately replicates the area. Stating that the design of the dwellings would be sympathetic to the area and wider Conservation Area. The Inspector considered that it was unlikely additional vehicle movements would have an unreasonable impact upon highway safety and considered that the garages would likely be used due to the high demand of on-street parking in the area. The Inspector did not agree the proposal would harm neighbours' privacy as the proposed distances between windows would follow the level of privacy in the locality. The Inspector considered that sufficient amenity space had been provided, due to its close proximity to Mutley Park and the outdoor space being comparable to the other properties in the street. The Inspector concluded the submitted information provided sufficient details on replacement trees and biodiversity improvements, the Inspector therefore stated that the proposal would adequately mitigate for the loss of trees and result in appropriate biodiversity gain. An application for costs was made by the applicant but no costs were awarded by the Inspector.</p>