

Planning Committee

Appeal Decisions

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number **09/01148/FUL**
Appeal Site **15 BEAUMONT ROAD PLYMOUTH**
Appeal Proposal Change of use and alteration of shop (class A1) to hot food takeaway (class A5)
Case Officer Jon Fox

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 20/04/2010

Conditions
Award of Costs Awarded To

Appeal Synopsis

Inspector agreed with both reasons for refusal but concentrated on reason 2, which relates to increased vehicle movements being prejudicial to highway safety

Application Number **09/01238/FUL**
Appeal Site **1 WESTON PARK ROAD PLYMOUTH**
Appeal Proposal Change of use , conversion and alteration to hot food takeaway (use class A5), including proposed extract system.
Case Officer Janine Warne

Appeal Category REF
Appeal Type Informal Hearing
Appeal Decision Dismissed
Appeal Decision Date 15/04/2010

Conditions
Award of Costs Awarded To

Appeal Synopsis

The Inspector dismissed the appeal, confirming that 'I am in no doubt that the proposed development [to form a hot food takeaway] would not be acceptable without any provision for car parking, with particular reference to the amenity, public safety and convenience, and the free flow of traffic on the highway'. In these respects the proposal would conflict with criteria 2 and 4 of Policy CS28 and criteria 7 and 8 of Policy CS34 of the adopted Core Strategy for Plymouth (2007). In addition, the Inspector found that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, had not been demonstrated and that an award of costs was not justified.

Application Number **09/01342/FUL**
Appeal Site **88 OLD LAIRA ROAD PLYMOUTH**
Appeal Proposal Retention of raised timber sun decking to rear
Case Officer

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 20/04/2010
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The Inspector judged that the balcony would allow overlooking at very close quarters of the first floor windows and rear garden of number 90. It was also judged that the structure would take light and sunlight from the nearest lower-ground-floor windows of this property. The Inspector did not consider that this harm could be mitigated through the use of screening as this would affect the outlook of no.90. The proposed balcony is therefore contrary to policy CS34 of the Core Strategy 2007. Appeal dismissed.

Application Number **09/01355/FUL**
Appeal Site **LAND ADJ TO 40 WARLEIGH CRESCENT PLYMOUTH**
Appeal Proposal Develop land by erection of detached dwelling with intergral private motor garage
Case Officer Janine Warne

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 20/04/2010
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The Inspector dismissed the appeal, concluding that as a three storey dwelling the proposal would appear out of character with the two-storey houses which surround it. It would sit high above the roadway and would have an overbearing effect when viewed from below. It would appear excessively prominent and incongruous, making it contrary to policies CS02 and CS34 of the Core Strategy for Plymouth (adopted 2007). It was also noted that the Inspector concurred with the previous appeal decision on this site (APP/N1160/A/07/2059440) which concluded that the proposal would not be harmful to the prospects of retaining the protected Beech tree at the rear of the site in the long term.

Application Number **09/01413/PRDE**
Appeal Site **ERRILL RETAIL PARK, PLYMOUTH ROAD PLYMOUTH**
Appeal Proposal Complete works for refurbishment and extension to retail units with associated improvements: subject to planning permission 03/01773, with no restriction on the sale of goods
Case Officer Carly Francis

Appeal Category
Appeal Type
Appeal Decision Withdrawn
Appeal Decision Date 26/04/2010
Conditions
Award of Costs

Awarded To

Appeal Synopsis

Application Number **09/01423/PRDE**
Appeal Site **ERRILL RETAIL PARK, PLYMOUTH ROAD PLYMPTON PLYMOUTH**
Appeal Proposal Complete works for 'refurbishment works, including reconfiguration of unit 2 to form two retail units, amendments to external appearance of buildings and enhancements of external areas with works to trees' subject to planning permission 05/02220, with no restriction on the sale of goods
Case Officer Carly Francis

Appeal Category
Appeal Type
Appeal Decision Withdrawn
Appeal Decision Date 26/04/2010
Conditions
Award of Costs

Awarded To

Appeal Synopsis

Application Number **09/01618/FUL**
Appeal Site **NYSSTARA 1 LOWER SALTRAM PLYMOUTH**
Appeal Proposal Alterations, and rear and side first-floor extension
Case Officer Simon Osborne

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 22/04/2010

Conditions
Award of Costs Awarded To

Appeal Synopsis

The inspector agreed that the hip to gable extension would unbalance the pair of semi-detached properties contrary to guidance found in the Supplementary Planning Document 'Development Guidelines'. The inspector also agreed that the rear dormer would appear bulky and was contrary to guidance within the SPD.

Application Number **09/01838/FUL**
Appeal Site **86 ELBURTON ROAD PLYMSTOCK PLYMOUTH**
Appeal Proposal Erection of detached double private motor garage
Case Officer Jon Fox

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 11/05/2010

Conditions
Award of Costs Awarded To

Appeal Synopsis

The Inspector agreed that the proposed garage would not be subordinate but focused on the amount of development that would result on the site and the fact that this would appear commercial in character instead of residential (reasons 1 and 2). The Inspector did not agree that the impact on residential amenity would be harmful (reason 3). The Inspector gave little weight to the Council's fears about the building being used for commercial or residential purposes (reasons 4 and 5) and said that these concerns could be dealt with by conditions or enforcement powers. He agreed that there is an over-provision of car parking (reason 6), but not that the access is sub-standard (reason 7)

Application Number **10/00004/FUL**
Appeal Site **22 PRINCESS CRESCENT PLYMOUTH**
Appeal Proposal Two-storey side extension and rear dormer
Case Officer

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 14/04/2010
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The main issue identified by the inspector was whether the proposed side extension would unbalance the pair of semi-detached properties. The inspector referred to the 'clear guidance' contained in the SPD on how side extensions should be subordinate and set back from the front. The Inspector judged that extending the appeal dwelling by building to the same height, depth and roof shape as the original dwelling is unacceptable and would unbalance the pair of properties. The appeal was therefore dismissed.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.