

# Planning Committee

## Appeal Decisions

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

Application Number **09/01555/FUL**  
Appeal Site **16 STADDON GREEN PLYMOUTH**  
Appeal Proposal Detached private motor garage for use in connection with 12 Staddon Green (amendment to previously approved scheme 07/01590/FUL)  
Case Officer Simon Osborne

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 16/07/2010  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

The inspector concluded that the LPA did not have any minimum garage dimensions laid down within the SPD therefore this could not be used as reason to refuse the application. He also felt that the issue of business use and the style of garage door could be addressed via appropriate conditions.

Application Number **10/00054/FUL**  
Appeal Site **1 PLYMOUTH ROAD PLYMPTON PLYMOUTH**  
Appeal Proposal Installation of freestanding cash machine (ATM) pod and three anti ram raid bollards  
Case Officer Stuart Anderson

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 06/08/2010  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

Inspector considered that the streetscene here lacks coherence. The modern appearance of the appellant's store bears little relation to the flat roofed parade of retail units and the three-storey gable ended apartment blocks on the opposite side of the road. Street markings, signage and advertisements add to the visual confusion. The ATM pod would not be out of scale with the store building or particularly obtrusive. It would be similar in colour to the grey panels and glazing bars and pillars on the store.

Inspector considered that the ATM pod would be highly visible, being alongside a main road, opposite flats, and outside a store with long opening hours. The area is lit by street lights and the installation makes provision for an integrated CCTV camera that is in addition to the camera on the store itself.

Inspector agreed that this is a busy junction with a history of accidents. He did, though, consider it unlikely that anyone would stop on the highway or mount the full height kerb to park on the pavement, here on the exit from a busy roundabout, just beyond a partially blind corner. This would be dangerous and unnecessary, given the car park sited nearby, with convenient entry and exit arrangements.

Application Number **09/01766/FUL**  
Appeal Site **PENNYCOMEQUICK CENTRAL PARK AVENUE PLYMOUTH**  
Appeal Proposal Extension (to former public house) to provide an additional 10 units of student accommodation with communal facilities and amenity area  
Case Officer Jeremy Guise  
  
Appeal Category REF  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 20/07/2010  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

This appeal followed the decision by the Local Planning Authority (LPA) to refuse planning permission for a part two and part three storey rear extension to the former Pennycomequick public house to provide an 10 student study bedrooms in addition to the 10 already converted from the former public house. The LPA considered the proposal to be unacceptable and refused planning permission on eight grounds. It indicated that infrastructure payment refusal reason could be overcome through a planning obligation and that it would withdraw the contamination refusal reason upon receipt of additional information / mitigation.. Prior to consideration of the appeal additional information came to light which demonstrated that the proposed extension would not interfere with the proposed highway improvement and this refusal reason was withdrawn.

The appellant indicated a willingness to offer a unilateral agreement to resolve the infrastructure provision and sought details of the sum based on market recovery eligibility. Then, at the very last minute (after the site visit, but prior to determination), provided a signed unilateral agreement for the full sum sought - without the market recovery discount. In his decision letter the Inspector side stepped the issue commenting that the infrastructure payment was more than the council had sought and that he was 'unable to conclude that it is fairly and reasonably related in scale and kind to the development now proposed.'

The Inspector considered the 5 main issues in the case to be:- the effect of the development on the living conditions of neighbours at No.1 Pennycomequick Villas, particularly in relation to light and privacy; the impact of the development upon the street scene; whether the scheme would result in reasonable living conditions for students living at Pennycomequick; the affect of the development on highway conditions and whether the development makes adequate provision for renewable energy generation.

In relation to the impact on neighbouring amenity he was not convinced by the appellant's shadow studies, which purported show satisfactory shadow relationship with the neighbouring property, and agreed with the LPA and the neighbour, that natural light would be adversely affected. However, he did not support the neighbour's contention that the proposal to result in unacceptable overlooking as the windows were all either high level or obscure glazed in that elevation.

He agreed with LPA that the proposed extension would be harmful to the street scene. He noted the architectural detailing and traditional form of the original public house building, in a sideswipe at the LPA criticised the gap in thinking between the design of the multi-storey blocks, further up the hill and the traditional tenements behind Pennycomequick Villas. However, in relation to this proposal he agreed with the LPA that the detailing of windows in the north and west elevations would lack coherence and jar with the original building. In relation to impact upon the street scene he commented that the current arrangement, even with existing rear extensions that he acknowledged as being of no architectural merit, was preferable to this proposal!

The LPA had refused planning permission on grounds of overdevelopment, citing internal living space arrangements. The Inspector, in his decision letter, goes through a number of manifestations of overdevelopment before indirectly supporting the LPA by concluding, in relation to student living conditions, that the use of obscure glass (to prevent overlooking) in bedroom 2 would mean that the occupants would have no outlook and finding this to be unacceptable.

The one refusal reason where the Inspector did not offer any support the LPA (and, incidentally the six original objectors to the planning application) was in relation to the absence of student car parking. The appellant proposed none and the inspector agreed with him that the site's sustainable location, close to the University, to the city centre core area and to good public transport links, meant that even without the three spaces the Council were seeking the proposal would not be unduly harmful to highway conditions.

Finally the Inspector was not convinced that the appellants endeavour to incorporate 3.36 sqm of solar panel would satisfy the 15% renewable energy off set requirements of Core Strategy Policy CS20, and, in a particularly useful ruling, endorsed the LPA's robust approach to refusing the application for this reason .

The Inspector DISMISSED the appeal.

Application Number **09/01783/FUL**  
Appeal Site **LATITUDE 52 237 ALBERT ROAD DEVONPORT STOKE**  
Appeal Proposal Conversion of basement storage area to a self-contained flat  
Case Officer Jeremy Guise

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 13/07/2010  
Conditions  
Award of Costs

Awarded To

#### Appeal Synopsis

Planning permission for the creation of an additional one bed roomed flat in the basement locker storage area of Latitude 52 was refused by officers using delegated authority 28th January 2010 as it was considered to provide an unsatisfactory residential environment and to represent an unacceptable intensification of use. The applicant appealed the decision. The Inspector agreed with the Council that the proposal would not provide reasonable living conditions for the occupants - particularly in relation to the reduced natural light for the bedroom and poor through ventilation. However, he was not convinced that one additional flats would put an unacceptable strain on facilities such as additional; parking, refuse storage and external amenity space and he declined to support the Council in this refusal reason. In conclusion, he did not consider this to outweigh his concerns about poor living conditions and he dismissed the appeal.