# **Planning Committee**

# **Appeal Decisions**

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

Application Number 09/01308/FUL

Appeal Site 16 OAKFIELD TERRACE ROAD PLYMOUTH

Appeal Proposal Change of use, conversion and alteration of hot food takeaway and dwelling to form single

dwellinghouse

Case Officer Stuart Anderson

**Appeal Category** 

Appeal Type Written Representations

Appeal Decision Allowed
Appeal Decision Date 12/08/2010

Conditions

Award of Costs Awarded To

#### Appeal Synopsis

Evidence provided by the Council suggests that there is a history of industrial development in the area close to the appeal site, although not on the site itself. Inspector could see no possible pathway whereby the converted building would present more of a risk to occupants, as a result of contaminated land, than the existing building. Therefore, he concluded that conditions 2, 3, 4, 5, and 6 are not reasonable and necessary, and deleted the conditions.

Application Number 09/01633/TPO

Appeal Site 36 DEVERON CLOSE PLYMOUTH

Appeal Proposal Fell one Oak tree

Case Officer Chris Knapman

Appeal Category NOT

Appeal Type Written Representations

Appeal Decision Dismissed
Appeal Decision Date 16/08/2010

Conditions

Award of Costs Awarded To

### Appeal Synopsis

Following the separate failures of two limbs on an Oak tree protected by Tree Preservation Order No. 257 and the granting of two exemptions for remedial work, an application dated 7 November to fell the tree was received.

Due to the Xmas break there were only 6 weeks in which to consider the application.

In support of the application, there was an extensive report submitted by the applicant's

consultants, which required detailed consideration.

It was explained to the applicant's consultants by phone that in order to fully assess the information and due to the Xmas break that the decision was likely to be slightly delayed.

The case generated MP letters on behalf of objectors and the applicant that had to be addressed.

A significant number of letters of objection and a petition were received in support of the tree's retention i.e. a demonstrable public interest.

At the end of the 8 week period an appeal against non determination was received.

The option for written representations was declined by the Council on the basis that this would not allow a response to the supporting information received with the application.

Consequently, it was proposed to the Head of Development Management that the Council elect for the option of an informal hearing to enable a detailed response to be prepared and for the significant public interest to be considered.

The hearing was held on 29 June 2010 and the Inspector considered the main issues to be the amenity value of the Oak and the likely impact of felling it on the character and appearance of the area, and whether felling was justified, with regard to the reasons put forward in support of this.

The Inspector considered the parkland character of the estate, amenity value and wildlife habitat value, against submissions that the amenity it afforded were devalued and that it was no longer worthy of protection, with an onerous maintenance cost on the owner due to its condition.

It was held that the Oak has significant amenity value and makes a positive contribution to the character and appearance of the surrounding area and that the reasons given for felling the tree, both individually and in combination, do not justify its felling. The

appeal was dismissed.

Two letters of thanks have been received from delighted residents of Deveron Close with regard to the Council's stance in supporting the retention of the tree and opposing its felling.

Application Number 09/01759/FUL

Appeal Site 60 WARING ROAD SOUTHWAY PLYMOUTH

Appeal Proposal Retention of raised balcony

Case Officer Thomas Westrope

**Appeal Category** 

Appeal Type Written Representations

Appeal Decision Dismissed
Appeal Decision Date 10/08/2010

Conditions

Award of Costs Awarded To

## Appeal Synopsis

The inspector considered that the proposal was contrary to policy CS34 on the grounds of harm to the living conditions of the occupiers of the neighbouring property (number 58). He agreed that the balcony affords a commanding view over the rear private amenity space of no. 58 and offers oblique views into the nearest first floor window on the rear elevation of no. 58, thereby resulting in loss of privacy and a perception of being overlooked. He concluded that the balcony could not be altered to make it acceptable. He also concluded that the medical condition of the appellant's husband does not justify allowing the development which would remain long after these circumstances had ceased to be relevant.