

Application Number **09/01590/FUL**
Appeal Site **LELANT NURSING HOME, GLEN ROAD MANNAMEAD PLYMOUTH**
Appeal Proposal Extension to nursing home by erection of three two storey buildings to south to provide six self contained apartments with provision of a covered link to existing nursing home (removal of two existing garages)
Case Officer Jeremy Guise

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 15/09/2010
Conditions
Award of Costs Awarded To

Appeal Synopsis

Planning permission for six self contained assisted care units for the elderly was refused on the grounds of: adverse impact on the character and appearance of the conservation area, unacceptable living conditions for future occupants and highway safety. The applicants appealed this decision and sought costs on the grounds that pre-application advise had created an expectation that planning permission would be granted.

The Planning Inspector considered the generous grounds of the original Victorian villa (now nursing home) to be an important feature of the Mannamead conservation area. In his opinion the assisted care units would be visible from the public realm and reduce existing tree cover. He agreed with the Council's view that this would be contrary to policies CS02 and CS03 of the Core Strategy which require development to safeguard and contribute positively to the identity and character of historic environments.

In relation to living conditions for proposed residents the Inspector noted the use of obscure glazing to a number of the side windows and doors suggests a layout that is not ideal and that the light received to the main south facing window of one of the units would be compromised by a retained tree. He agreed that the living conditions failed to accord with the requirements of Policy CS34.

Finally, the Inspector supported the contention of the Highway Authority that the proposal would lead to an intensification in the use of the home encouraging more vehicular activity without sufficient compensatory works to improve both parking and servicing facilities and that this would be contrary to policies CSD28 and CS34.

Despite agreeing with all three of the Council's refusal reasons in relation to the substantive issue the Inspector, nevertheless, considered that the council had acted unreasonably in relation to the positive pre-application advise it had given and its subsequent explanation as to why that was not followed. He awarded partial cost to the appellants in relation to the appeal.

Application Number **10/00543/FUL**
Appeal Site **21 FIRST AVENUE BILLACOMBE PLYMOUTH**
Appeal Proposal Formation of enlarged rooms in roofspace including rear dormer
Case Officer Kate Saunders

Appeal Category REF
Appeal Type Informal Hearing
Appeal Decision Dismissed
Appeal Decision Date 20/09/2010
Conditions
Award of Costs Awarded To

Appeal Synopsis

The inspector concluded that the dormer would cause a loss of privacy to neighbouring properties in First Ave as well as being a dominating and overbearing structure. In addition the inspector considered that the dormer together with the other roof alterations resulted in material harm to the character and appearance of the area. The inspector considered the use of obscure glass in the dormer and concluded that whilst this would overcome privacy matters it would not deal with other aspects of concern and would create a poor quality living environment for future occupiers.

Application Number **10/00663/FUL**
Appeal Site **43 SOUTH DOWN ROAD BEACON PARK PLYMOUTH**
Appeal Proposal Variation of condition on 09/01612/PRDE to retain white PVC cladding to rear dormer
Case Officer

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 21/09/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

The inspector deemed the appeal as invalid due to the condition of which the variation is being sought is set by the Secretary of State as part of the General Permitted Development Order and in this circumstance no action can be taken or appeal arising from such an application. The inspector advised that a full application should be made for for the white PVC cladding and should the application be refused or not determined a right of appeal would then exist.

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.