Planning Committee

Appeal Decisions

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

Application Number 09/00523/FUL

Appeal Site 79 EMBANKMENT ROAD PLYMOUTH

Appeal Proposal Change of use, conversion and alteration of basement to form self-contained flat

Case Officer Stuart Anderson

Appeal Category

Appeal Type Written Representations

Appeal Decision Allowed

Appeal Decision Date 24/09/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

The Inspector commented that the council is right to be concerned about the standard of accommodation, and that the arguments on this case are finely balanced, but there are key considerations that finally mitigate in favour of the proposals. The front room is the primary habitable living space and this would be lit by two full-height French doors. The existing graded concrete ramp in front of these doors giving access to the front area is to be re-profiled and lowered to facilitate a stepped access. As the front elevation of the house faces south with an open aspect, the combination of these arrangements would allow an increased and acceptable level of natural light to this room, the primary living space. Furthermore, the size of this opening also allows sufficient scope for the adequate ventilation of this space and the connected secondary spaces accessed off it. The other rooms would be lit by filtered or borrowed light from this south-facing source.

Application Number 09/00788/FUL

Appeal Site 115 BLANDFORD ROAD PLYMOUTH

Appeal Proposal Change of use of ground floor shop to hot food takeaway, with installation of extract ventilation flue

above (located towards front of east elevation of building)

Case Officer Stuart Anderson

Appeal Category

Appeal Type Written Representations

Appeal Decision Dismissed
Appeal Decision Date 24/09/2010

Conditions

Award of Costs Awarded To

Appeal Synopsis

Inspector agreed that the proposal would be harmful to residential amenity. He noted the prevailing westerly wind direction, and observed that this would direct noise and odours in the direction of the neighbouring property, 117 Blandford Road. He also observed that mitigating technologies (i.e. extraction systems) do not entirely eliminate or supress odours or noise. The Inspector also considered that the proposed extract flue would, by virtue of its utilitarian appearance and prominence, cause material harm to the streetscene.

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 appellant 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 rising 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.