# **Planning Committee**

# **Appeal Decisions**

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

Application Number 09/01565/FUL

Appeal Site LAND AT 1-56 RAGLAN ROAD PLYMOUTH

Appeal Proposal Erection of three blocks containing a total of 14 two bedroom flats with associated landscaping changes,

parking facilities and refuse storage facilities.

Case Officer Carly Francis

**Appeal Category** 

Appeal Type Informal Hearing

Appeal Decision Dismissed
Appeal Decision Date 11/01/2011

Conditions

Award of Costs Awarded To

#### Appeal Synopsis

The appeal was dismissed on the grounds that it would cause harm to the living conditions of existing occupiers, due to the resultant reduction in size of the existing communal amenity area by the extension of the car park, the absence of adequate amenity space provision for future occupiers, the loss of two parking spaces and inaccuracies in the plans (even though these were not refusal reasons given by the Council). The Inspector did not however agree with the Councils refusal reasons. He does not consider that the contributions sought by the Council are authorised by the Council's Core Strategy and or comply with the advice in Circular 05/2005 or the statutory tests set out in Section 122 of the CIL Regulations. He therefore deemed that the infrastructure contributions sought by the Council are not necessary, directly related to the proposed development, or fairly and reasonably related in scale and kind. Nor did the Inspector agree with the Council's decision to refuse the application on the basis that the proposal does not improve the range and quality of housing in the area and

is therefore contrary to Area Vision 1 of the Local Development Framework Core Strategy (adopted 2007) and Chapter 5 'Improving Housing'

of the Devonport Area Action Plan (adopted 2007). He in fact considers that the range and quality of housing in Devonport would be improved by providing market housing of good quality and design. Although it would not help redress the balance between houses and flats

he considers that the proposed accommodation would represent the most appropriate form of development for the site. He concludes that these refusal reasons were unreasonable and not properly supported and therefore believes that there was unreasonable behaviour that resulted in unnecessary and wasted expense, on this basis he awards costs against the Council. He dismissed the Council's costs claim

the basis that he believed there was no unreasonable behaviour by the appellant.

Application Number 09/01631/FUL

Appeal Site 4 NEWNHAM ROAD PLYMPTON PLYMOUTH
Appeal Proposal Continue use of front of site to display cars for sale

Case Officer Stuart Anderson

**Appeal Category** 

Appeal Type Written Representations

Appeal Decision Allowed
Appeal Decision Date 13/01/2011

Conditions

Award of Costs Awarded To

## Appeal Synopsis

Inspector considered that the existing accesses could be safely used, and that there would not be inappropriate parking on the roadside, which is clearly controlled with double yellow lines. The adjacent free public car park could provide customer parking, and traffic movements are unlikely to exceed that which could be associated with the authorised use of the site as a café.

Application Number 10/00306/FUL

Appeal Site 6 PATNA PLACE PLYMOUTH

Appeal Proposal Change of use and conversion of premises from offices to two flats, including demolition of rear out-

building and erection of external rear stairway.

Case Officer Karen Gallacher

Appeal Category REF

Appeal Type Written Representations

Appeal Decision Allowed
Appeal Decision Date 24/01/2011

Conditions

Award of Costs Awarded To

# Appeal Synopsis

The inspector did not agree with the LPA that the provision of the rear external staircase would harm neighbours amenity, be visually unacceptable or restrict amenity area to an unacceptable degree.

Application Number 10/00588/FUL

Appeal Site 90 EMBANKMENT ROAD PLYMOUTH

Appeal Proposal Part perforated roller shutter to replace existing solid roller shutter

Case Officer Louis Dulling

Appeal Category REF

Appeal Type Written Representations

Appeal Decision Dismissed
Appeal Decision Date 01/11/2010

Conditions

Award of Costs Awarded To

## Appeal Synopsis

The inspector attached considerable weight to the Development Guidelines SPD which provides detailed guidance on this matter. The inspector concluded that the development was clearly contrary to advice in the SPD and detracted considerably from the street frontage and

set an undesirable precedent. It was noted that there were other similar developments along the street however these were older and would have been installed prior to the adoption of the SPD and therefore did not set a precedent.

Application Number 10/00715/FUL

Appeal Site 3 HILLSIDE AVENUE PLYMOUTH

Appeal Proposal Change of use to house in multiple occupation (8 bedrooms)

Case Officer Jon Fox

Appeal Category REF

Appeal Type Written Representations

Appeal Decision Allowed
Appeal Decision Date 24/01/2011

Conditions

Award of Costs Awarded To

# Appeal Synopsis

In this case the application had been recommended for approval by officers and was refused by the planning committee. The Inspector concluded that occupation by 8 persons (as opposed to the 6 using the property in the past) would not cause significant harm to the living conditions of nearby occupiers or have any significant effect on the parking situation. With regard to the character of the area, the Inspector recognised that the area has a relatively high concentration of student properties and that the proposals would not result in the loss of a family dwelling and he concluded that the increase from 6 to 8 occupiers in this HMO would have no significant effect on the character of the surrounding area. The Inspector restricts the use of the property to 8 persons, but considered that the use need not be restricted to students only because its location is close to the railway station and city centre as well as the university and is also in a parking

permit scheme area. The accommodation is also considered to be appropriate for other single persons.

Application Number 10/00745/LBC

Appeal Site 27 WYNDHAM SQUARE PLYMOUTH

Appeal Proposal Two single-storey rear extensions with covered roof terrace and external staircase (removal of existing

rear extensions and first-floor conservatory), rear dormer and two rooflights (removal of existing rear dormer), formation of vehicle hardstanding in rear garden, including part demolition of rear boundary wall

and installation of gates and other internal and external alterations

Case Officer

Appeal Category
Appeal Type

Appeal Decision Dismissed
Appeal Decision Date 05/01/2011

Conditions

Award of Costs Awarded To

#### Appeal Synopsis

The Inspector dismissed the appeal, noting that whilst he agreed that the reduction of the southwest extension and the open veranda would

be a distinct improvement, the enlargement of the southeast extension and the associated replacement of the steps would undermine the significance of no.27 Wyndham Square as a valuable heritage asset. The Inspector concluded that these particular parts of the proposed works would conflict with the aims of the LDF Core Strategy policies CS02 and CS03 and they would not preserve the house as a building of special architectural and historic interest.

Application Number 10/00854/FUL

Appeal Site 21 CHADDLEWOOD CLOSE PLYMPTON PLYMOUTH

Appeal Proposal Private motor garage in rear garden, with driveway and with access through existing car port / garage

Case Officer Kate Saunders

**Appeal Category** 

Appeal Type Written Representations

Appeal Decision Allowed
Appeal Decision Date 01/11/2010

Conditions

Award of Costs Awarded To

### Appeal Synopsis

The inspector concluded that given that the proposal would not cause undue harm on neighbouring properties, was not readily visible from

public viewpoint and the fallback position under permitted development it would not be harmful to the character of the area. The inspector considered that the use of the garage could be controlled through appropriate conditions and therefore allowed the appeal.

Application Number 10/01326/FUL

Appeal Site 4 FIRST AVENUE BILLACOMBE PLYMOUTH

Appeal Proposal Single storey rear extension, formation of rooms in roofspace of extended dwelling, with rear first floor

window and side rooflights, and change of front hip to gable, and rear external decking area (revised

version of 10/00261/FUL)

Case Officer Stuart Anderson

**Appeal Category** 

Appeal Type Written Representations

Appeal Decision Allowed
Appeal Decision Date 12/01/2011

Conditions

Award of Costs Awarded To

#### Appeal Synopsis

Inspector agreed that the gable roof is clearly different to the consistent design of the fully hipped short row of old bungalows that straddle the appeal property. However, when carefully viewed in the wider context of First Avenue as a whole, he did not find the gable design to be unacceptable. He did not consider the roof to be excessively high or bulky, or to be out of keeping. Also, he noted that the gable roof does not extend beyond the building line of the front elevation, the bay window design is retained in the front elevation, and there is a significant variety of building styles and roof designs in the street where alterations have probably been made to original roof designs, there being a strong echo between the subject roof and some other houses such as number 12. He also considered that the fully hipped roof severely limits internal space and scope for alteration.

#### 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.