

# Planning Committee

## Appeal Decisions

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

Application Number **14/02351/FUL**  
Appeal Site **3 AND 4 SHERWELL ARCADE, GIBBON LANE PLYMOUTH**  
Appeal Proposal Raised central roof deck and spiral staircase  
Case Officer Opani Mudalige

Appeal Category REF  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 10/02/2016  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

Appeal dismissed. Inspector did not agree with the use of CS02 to refuse the application in that the he did not agree with Case Officer that there would be an impact to the character of the area. He was of the mind that the "immediate locality [was] diverse" and that the "proposal [was] reasonably subservient...and would be complementary to its setting". The Inspector did agree with the Case Officer on the use of CS13, CS22, and CS34 to refuse the application, as the proposal would have a major impact on the noise amenity of neighbouring properties due to its proposed elevated deck - thereby intensifying the use.

Application Number **15/00414/FUL**  
Appeal Site **LAND OFF CUNDY CLOSE PLYMOUTH**  
Appeal Proposal Variation of condition 17 of planning permission 11/00149/FUL for 12 detached dwellings to amend the energy strategy for the site by replacing the approved Energy Report by Carbon.gc Limited with the Energy Statement by JPS Sustainability Limited dated February 2015, resulting in a reduction in the amount of photovoltaic cells to be provided at the site  
Case Officer Kate Saunders

Appeal Category  
Appeal Type Informal Hearing  
Appeal Decision Dismissed  
Appeal Decision Date 11/02/2016  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

The inspector agreed with the LPA that the purpose of Policy CS20 was not solely to reduce carbon emissions but also to promote renewable energy production. Whilst the use of a "fabric first" approach by the appellant has contributed to a reduction in carbon emissions from the development the PV cells installed on only 3 of the dwellings fall considerably short of the 15% target for offsetting predicted carbon emissions through on-site renewable energy production. The development therefore unacceptably conflicts with Policy CS20.

The inspector considered that Policy CS20 was in compliance with Paragraphs 96 and 97 of the NPPF. The Inspector noted Policy 25 of the emerging Plymouth Plan but gave this little weight in his decision given it is not at a well advanced stage.

Application Number **15/00543/FUL**  
Appeal Site **THE OLD COACH-HOUSE, SEATON LANE MUTLEY PLAIN PLYMOUTH**  
Appeal Proposal Change of use from storage (B8) to residential dwelling (C3)  
Case Officer Aidan Murray

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 11/02/2016  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

Planning Permission was refused for the conversion of an existing garage into a dwelling as it was considered to be contrary to the Local Development Core Strategy Policy CS15 (Overall Housing Provision), Policy CS22 (Pollution) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application, and visited the site, the Planning Inspector dismissed the appeal on contamination grounds given the unit contained an asbestos roof, and had previously been used for the storage of vehicle parts. As no robust evidence had been submitted in respect of the extent of potential contamination, it was viewed that the proposal did not comply with CS22 or relevant parts of the National Planning Policy Framework.

While the Inspector dismissed the appeal on these grounds, they concluded that the application would have provided satisfactory living conditions for future occupants with regard to internal floor space, and outside amenity space, regardless of the fact it had fallen below the recommended guidelines as set out in the Council's Design Guidelines Supplementary Planning Document.

Neither party had submitted a cost claim and the inspector did not reward any costs in this instance.

Application Number **15/00832/FUL**  
Appeal Site **51 TAVISTOCK ROAD PLYMOUTH**  
Appeal Proposal Erection of swimming pool for domestic and commercial use  
Case Officer Amy Thompson

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 24/02/2016  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

Planning permission was refused for an additional training pool as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 Local Transport Considerations) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application the Inspector supported the Council's view that, given the limited size of the site and the additional vehicle movements and demand for parking on and around the site, the proposal would be detrimental to the safe and efficient operation of the highway network in the vicinity of the appeal site. The Inspector also noted that the sites access is highly restricted and close to a busy junction and the proposal would result in severely adverse highway safety impacts.

No appeal costs claims were submitted by, and/or awarded to, either party in this appeal

Application Number **15/00921/FUL**  
Appeal Site **26 PIKE ROAD PLYMOUTH**  
Appeal Proposal Vehicle hardstanding  
Case Officer Aidan Murray

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 02/02/2016  
Conditions  
Award of Costs

Awarded To

#### Appeal Synopsis

Planning permission was refused for this front garden hardstanding, with access onto a classified road, as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application, and visited the site, the Inspector disagreed with the Council's assessment. Although the limited size of the front garden, means it would not be possible for a vehicle to enter and exit the site without being required to undertake some reversing manoeuvres on the highway, the Inspector observed several existing similar parking arrangements within a short distance of the appeal property that involve similar manoeuvres. The Inspector therefore concluded that, given these similar frontage parking areas nearby, the addition of another hardstanding would not have a severe adverse impact upon the existing function of Pike Road in terms of highway safety, and concluded that in this particular case there was no conflict with National Planning Policy Framework nor the aims and objectives of Policies CS28 and CS34 of the Core Strategy.

Application Number **15/01380/FUL**  
Appeal Site **LAND FORMERLY ASSOCIATED WITH THE RNEC, ABERDEEN AVENUE PLYMOUTH**  
Appeal Proposal Provision of new vehicular access from Aberdeen Avenue to serve proposed residential development (Planning permission 14/00152/OUT)  
Case Officer Kate Saunders

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 04/03/2016  
Conditions  
Award of Costs

Awarded To

#### Appeal Synopsis

The Inspector disagreed with the Committee's decision to refuse the application and considered that the opening up of the bus gate will lead to an improvement in traffic congestion in the area despite the additional traffic movements generated by the associated new dwellings. Furthermore the Inspector considered that any other potential highway safety concerns from the increased traffic movements and current highway layout and kerbside parking are unsubstantiated and could not be supported. On this point the Inspector concluded that the development would not have a significant effect on highway safety.

On the second refusal reason the Inspector concluded that there are appropriate conditions on the outline application to adequately address the impacts of construction and there would not be an unreasonable impact on residential amenity.

The Inspector considered the development would be in compliance with Policies CS28 and CS34, emerging Plymouth Plan Policies 13 and 29 and Paragraphs 17, 32 and 35 of the NPPF.

A full award of costs against the council was also agreed as the Inspector considered the Planning Committee had made their decision ignoring the advice of officers and had failed to provide evidence to support their decision. The Inspector therefore considered the Council had acted unreasonably resulting in unnecessary expense for the appellant.

Application Number **15/01429/FUL**  
Appeal Site **385 BLANDFORD ROAD PLYMOUTH**  
Appeal Proposal Alterations to disabled access of front garden for car/bike off road parking (disabled access no longer required)  
Case Officer Amy Thompson

Appeal Category REF  
Appeal Type Written Representations  
Appeal Decision Allowed  
Appeal Decision Date 03/02/2016  
Conditions  
Award of Costs Awarded To

#### Appeal Synopsis

Planning permission was refused for this front garden hardstanding, with access onto a classified road, as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application, and visited the site, the Inspector disagreed with the Council's assessment. Although the limited size of the front garden, means it would not be possible for a vehicle to enter and exit the site without being required to undertake some reversing manoeuvres on the highway, the Inspector observed several existing similar parking arrangements within a short distance of the appeal property that involve similar manoeuvres. The Inspector therefore concluded that, given these similar frontage parking areas nearby, the addition of another hardstanding would not have a severe adverse impact upon the existing function of Blandford Road in terms of highway safety, and concluded that in this particular case there was no conflict with National Planning Policy Framework nor the aims and objectives of Policies CS28 and CS34 of the Core Strategy.

No appeal costs claims were submitted by, and/or awarded to, either party in this appeal.

#### Note:

Copies of the full decision letters are available at <http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>.