

Application Number: 16/01019/FUL
Appeal Site: 36 Burleigh Park Road, Plymouth, PL3 4QH
Appeal Proposal: Change of use from dwelling (Class C3) to 4-bedroom HMO (Class C4) (retrospective)
Case Officer: Chris Cummings

Appeal Type: Written Representations
Appeal Decision: Dismissed
Appeal Decision Date: 18.01.2017

Appeal Synopsis:

Planning permission was refused for a retrospective change of use to a Class C4 house in multiple occupation (HMO) (3-6 persons sharing), as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 and CS34. It was also considered contrary to guidance contained in the Councils Development Guidelines Supplementary Planning Document First Review, the National Planning Policy Framework 2012 and Policies 30(5) and 39 of the emerging Joint Local Plan. The decision was made by Planning Committee contrary to officer recommendation.

Having reviewed the application and visited the site, the Inspector supported the Council's view that the development results in additional pressure on already severely limited on-street parking which could have a detrimental effect on the safe and efficient operation of the highway network. The Inspector noted that a four-bedroom property occupied by four unrelated adults can be reasonably expected to generate a materially greater level of parking demand than that of a single household.

The development satisfied the basic requirements for conversion to an HMO, however the Inspector noted that these benefits do not overcome the significant harm to highway safety generated by the change of use. Action is now being taken by Officers to ensure the owner restores the use back to a single-family dwelling (Class C3).

An application for costs was made by the appellant and refused by the Inspector, who noted that the Councils' decision was soundly based. The Inspector also noted that the Council did not behave unreasonably or lead the appellant to incur unnecessary expense in lodging their appeal.

Application Number: 15/01798/FUL
Appeal Site: Former Tennis Courts, Hoe Road-Pier Street, Plymouth
Appeal Proposal: Variation of condition 1 (plans condition) of 14/01449/FUL
to allow fourth floor roof top swimming pool and
associated plant buildings
Case Officer: Karen Gallacher
Appeal Type: Written Representations
Appeal Decision: Allowed
Appeal Decision Date: 22.08.2016

Appeal Synopsis:

The application was for a rooftop swimming pool and associated buildings on a previously approved apartment block. Although recommended for approval, the application was refused at planning committee, contrary to officer recommendation, because the prominent additions to the roof would harm the character of the building and the Hoe conservation area. The inspector disagreed that the development would be harmful and found no conflict with policies CS03 or CS34 of the Core Strategy. With regard to policies 28 and 29 of the Plymouth Plan, the inspector advised that they could only be given limited weight as the plan had not reached an advanced stage. The appellant was also awarded costs.

The refusal was on grounds of design, which is subjective and for this reason officers were of the opinion that this award was unreasonable. £5,000 in costs were paid, but officers wrote to the Planning Inspectorate for clarification. Their response was as follows: " I have now completed my investigation. After considering all the evidence and visiting the site, the Inspector concluded that he did not feel the proposal would have a detrimental impact on the appearance of the surrounding area, including the Conservation Area. He allowed the planning appeal. However, you were concerned about the reasoning in the costs decision, where the inspector concluded that the reason for refusal had not been substantiated, and you seek clarification. After examining the points made in your correspondence, we consider that there is inadequate reasoning and justification for this conclusion in the costs decision. I do apologise for this omission and for any concern and inconvenience it may have caused. As you are aware, I am not able to add to or change the decision. I can only apologise once again that we have fallen short of our own standards in this instance. The Inspector will be made aware of this and we will take steps to ensure such an error does not occur again."