

Appeal Decisions between 25/10/2017 and 01/12/2017

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
25/10/2017	16/02252/FUL	2017/0028	Appeal Allowed with Conditions	APP/N1160/W/17/3171924
Ward				
St Peters & the Waterfront				
Address				
5-7 Durnford Street Plymouth PL1 3QJ				
Application Description				
Retrospective change of use from ground floor café (Class A3) to funeral directors office and cool room (Sui Generis) including car port and boundary wall				
Appeal Process		Officers Name		
Written Representations		Mrs Kate Price		
Synopsis				
<p>Planning permission was allowed for a retrospective change of use from A3 to funeral directors office including cool room, car port and boundary wall. Having reviewed the application, and visited the site, the Inspector did not agree with the Councils view that the presence of the cool room facility in the funeral directors office would be detrimental to the amenity of the residents or the neighbouring public house. The Inspector did not agree with the Councils view that the boundary dispute with the neighbour was a planning issue. The inspector agreed with the Councils view that, if approved, the construction of the car port should take place imminently and condition 2 reflects this view and that it should be retained as long as the cold room facility is in use. The Inspector considered that the change of use would not have any unacceptable impact on the neighbouring business, its customers, or nearby residents, with particular regard to overlooking, noise and disturbance. As such, the proposal accords with Policy CS34 of the Core Strategy insofar as it requires that development protects residential amenity, in terms of outlook and privacy. There would also be no conflict with emerging Policy 30 of the Plymouth and South West Devon Joint Local Plan, submitted for public examination on 31 July 2017, specifically paragraph 3, which seeks to protect the amenity of the area. The proposal would satisfy policies and core principles within the Framework, namely those which seek to secure a good standard of amenity for all existing and future occupants of land and buildings. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
25/10/2017	16/02253/LBC	2017/0029	Appeal Allowed with Conditions	APP/N1160/Y/17/3171934
Ward				
St Peters & the Waterfront				
Address				
5-7 Durnford Street Plymouth PL1 3QJ				
Application Description				
Retrospective change of use from ground floor café (Class C3) to funeral directors office and cool room (Sui Generis) including car port and boundary wall				
Appeal Process		Officers Name		
Written Representations		Mrs Kate Price		
Synopsis				
<p>Listed Building Consent was allowed for a retrospective change of use from A3 to funeral directors office including cool room, car port and boundary wall. Having reviewed the application, and visited the site, the Inspector supported the Councils view that the rear of the existing building, especially at ground floor level, had no architectural merit. The inspector did not agree with the Councils view that the new carport should be linked only with the change of use, if approved, and advised that, the change of use aside, neither the air conditioning unit nor the proposed carport would harm the significance and special interest of the Grade II listed building. The view of the Council was that the proposed boundary wall would offer a permanent improvement on the existing situation and it raised no objection to this element of the works. The Inspector concurred with this opinion. The Inspector concluded, that the existing air conditioning unit and the proposed boundary wall and carport would preserve the listed building, and any features of special architectural interest that it possesses. There would consequently be no conflict with Section 66 of the Planning Listed Buildings and Conservation Areas Act 1990, which requires the decision maker to pay special regard to the desirability of preserving a listed building or its setting. The existing and proposed works would also accord with Policies CS02 and CS03 of the Local Development Framework Core Strategy 2006-2021, which seeks to ensure development is well designed and respects Plymouths historic townscape, and to safeguard the character and setting of listed buildings. The works would also satisfy the National Planning Policy Framework 2012, notably at paragraph 132, which requires great weight to be given to the conservation of heritage assets. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
06/11/2017	17/00926/FUL	2017/0031	Appeal Dismissed	APP/N1160/W/17/3179173
Ward				
Eggbuckland				
Address				
1 Crownhill Road Plymouth PL6 5AG				
Application Description				
Two storey rear extension to create three flats (Class C3) (resubmission of 16/02269/FUL)				
Appeal Process		Officers Name		
Written Representations		Mr Mike Stone		
Synopsis				
<p>Planning permission was refused for a Two-storey rear extension to create three flats (Class C3) as it provided no parking and inadequate sized accommodation, contrary to LDF Core Strategy Policies CS015, CS28 and CS34. It was also considered contrary to guidance contained in the Councils Development Guidelines Supplementary Planning Document First Review, the DCLG Technical housing standards - nationally described space standard (2015) and the National Planning Policy Framework. The Inspector disagreed with the Councils refusal reason of inadequate parking. He considered the site was well served by public transport and close to local facilities and, as such, car ownership would not be necessary. Regarding the issue of inadequate sized accommodation, the inspector noted that Plymouth could not demonstrate a 5 year housing supply. Therefore, according to the NPPF, relevant policies for the supply of housing, such as CS15, should not be considered up-to-date. Part 5 of CS15 also contains requirements for new dwellings to be of sufficient size. The inspector concluded that this part of the policy was not out of date as it did not relate to supply. As this part of the policy was relevant, the DCLG Technical housing standards that superseded the standards in the SPD applied. Two of the flats did not meet this standard and the inspector concluded the development was, therefore, contrary to CS15. The inspector therefore agreed with the councils assessment and dismissed the appeal in accordance with the second reason for refusal. No applications were made for costs by either side and no costs were awarded by the inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
16/11/2017	17/00598/FUL	2017/0027	Appeal Dismissed	APP/N1160/D/17/3180610
Ward				
Plympton St Mary				
Address				
79 Hemerdon Heights Plymouth PL7 2EZ				
Application Description				
Two storey side extension (resubmission of 16/03001/FUL)				
Appeal Process		Officers Name		
Written Representations		Mr Mike Stone		
Synopsis				
<p>Planning permission was refused for a two-storey side extension that was considered to be overbearing and dominant and to use out of character materials. This was felt to be contrary to Local Development Framework Cores Strategy Policy CS34, to guidance contained in the Councils Development Guidelines Supplementary Planning Document First Review and the National Planning Policy Framework. The Inspector supported the Councils view that the development would appear being overbearing and unduly dominant and that a sense of space and openness would be lost. The inspector also agreed that the development, by being 2 storeys high, would have a regrettable appearance on the open character of the area. The inspector felt that the issue of materials could have been dealt with by condition. An application for costs was made. The inspector concluded that the Councils refusal reasons were lucid and based on the development plan and that the decision notice was clear about all the issues. The award for costs was dismissed.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
16/11/2017	17/00959/FUL	2017/0030	Appeal Dismissed	APP/N1160/D/17/3181456
Ward				
Plympton Erle				
Address				
30 Ridge Road Plymouth PL7 1UF				
Application Description				
Detached garage with office space above				
Appeal Process		Officers Name		
Written Representations		Mr Mike Stone		
Synopsis				
<p>Planning permission was refused for a double garage with storage above on an approved travellers site that consisted of a mobile home and two touring caravans. The proposal for a permanent structure in this particular location was considered to be contrary to Local Development Framework Core Strategy Policy CS34 It was also considered contrary to the National Planning Policy Framework. The Inspector supported the Councils view that the scale of development in this attractive and rural location would be visually intrusive and incompatible with its surroundings. An award for costs was submitted. The inspector concluded that the Council had correctly referenced Core Strategy Policy CS34 and that the decision was not irrational or inconsistent. The appeal for costs was dismissed.</p>				