

Appeal Decisions between 10/07/2018 and 04/09/2018

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
20/07/2018	17/02278/FUL	2018/0003	Appeal Allowed with Conditions	APP/N1160/W/18/3196472
Ward				
St Peters & the Waterfront				
Address				
20 Wolsdon Street Plymouth PL1 5EH				
Application Description				
Change of use from dwelling (Class C3) to 6-bed HMO (Class C4)				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Planning permission was refused for a change of use to HMO (Class C4) due to sandwiching of an existing dwelling between to C4 dwellings creating unacceptable amenity impacts contrary to Policy CS22 of the Core Strategy and Policy DEV11 of the emerging JLP and inadequate outdoor amenity space provision, contrary to Policy CS15 of the Core Strategy. The Inspector concluded that there is no substantial evidence that greater disturbance form noise or other adverse effects would occur by a C3 property being sandwiched between HMOs and that concerns could be addressed through effective management of the property and an appropriate management plan. Reference was made by the Inspector to emerging JLP Policy DEV11 and that questions have been raised about it, 'casting doubt over whether it would be adopted in its current form'. The Inspector advised that the sandwiching of a property between two HMO's would therefore receive limited weight in their decision and the proposal was considered acceptable on this matter. The Inspector concluded that an adequate level of outdoor amenity space was available at the property, with the Development Guidelines SPD stating that it is not unreasonable to assume levels will be lower than the 50sqm recommended level in older, more densely developed neighbourhoods. The Inspector advised that this is one such neighbourhood and that the site is close to a large area of open public space. The Inspector also noted that the SPD does not set any guides for minimum size standards for conversions of HMOs and the Community Connections team noted that the proposal was acceptable from a housing perspective. The appeal was allowed subject to conditions requiring details of cycle storage, bin storage and a management plan to be submitted to the Council for approval prior to occupation. 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
24/08/2018	17/00724/FUL	2018/0004	Appeal Dismissed	APP/N1160/W/18/3196501
Ward				
Budshead				
Address				
Land At Looseleigh Lane Plymouth				
Application Description				
New dwelling with associated works				
Appeal Process		Officers Name		
Written Representations		Mr Robert McMillan		
Synopsis				
<p>The inspector agreed that due to the proximity of the proposed dwelling to the protected yews the proposal would likely result in pressure to heavily prune or fell most of the trees and in so doing would harm the character and appearance of the local area contrary to policy CS18 (4) and DEV 30 of the JLP. The inspector did not agree that there was insufficient contaminated land information. The inspector considered that due to the previous known use and the recent development adjacent it would be extremely surprising if the site was contaminated and that further site investigation works could therefore be secured by condition. 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
31/08/2018	17/01387/FUL	2018/0002	Appeal Dismissed	APP/N1160/W/18/3194823
Ward				
Budshead				
Address				
Land At Thirlmere Gardens Thirlmere Gardens Plymouth PL6 5HG				
Application Description				
Erection of 9no. detached dwellinghouses (resubmission of 16/01868/FUL)				
Appeal Process		Officers Name		
Written Representations		Mr Jon Fox		
Synopsis				
<p>The Inspector agreed that the amount of development would destroy the informal wooded character of the site, which provides a visual break between surrounding built up areas. This was the conclusion on a previous appeal for 14 houses, also dismissed, despite the latest scheme being for nine houses. Retained trees would be at risk from the proximity of the proposed development and an important oak tree would be removed. Regarding greenscape policies, the Inspector notes the site is neighbourhood importance in the Joint Local Plan but that does not appear to have been identified within a Site Allocations Development Plan Document or Area Action Plan as a locally important Greenscape Area and, unlike the situation in the previous appeal, it no longer appears to be in use for informal recreation and a childrens play area. The extent of any conflict with CS policy CS18 and DEV29 is unclear and does not weigh against granting planning permission. The Inspector said that the failure to provide the Lead Local Flood Authority with the ground investigation report to support the chosen infiltration rate; the model results or calculations to support the drainage strategy and design standard means that he is unable to conclude that the proposal would not increase the risk of flooding on adjacent third party land and comply with CS policy CS21 and eJLP policy DEV37. Drainage was given limited weight in the argument for withholding permission.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
31/08/2018	17/01976/FUL	2018/0007	Appeal Dismissed	APP/N1160/W/18/3201505
Ward				
Plymstock Radford				
Address				
90 - 92 Plymstock Road Plymouth PL9 7PJ				
Application Description				
First floor and part ground floor extensions including rear car parking (Resubmission of 17/01236/FUL)				
Appeal Process		Officers Name		
Written Representations		Mrs Alumeci Tuima		
Synopsis				
<p>Planning permission was refused for First floor and part ground floor extensions including rear car parking (resubmission of a previously refused application 17/01236/FUL) for the Oasis Care Home at 90-92 Plymstock Road after consideration by Planning Committee on 11 January 2018. It was considered that it would significantly harm the living conditions of the occupiers of the adjacent house No.88 Plymstock Road. This would be contrary to the provisions of CS policy CS34(6), and emerging JLP policies DEV1(1), DEV20(2), as well as the objectives of the SPD, and the provisions of the NPPF that are aimed at providing a high standard of amenity for existing residents. The Inspector acknowledged the schemes economic and social benefits in contributing to the bedspace shortfall identified in the Strategic Housing Market Needs Assessment, and meeting housing needs for an ageing population to create inclusive mixed communities. Having visited the site, the Inspector concluded that there would be no appreciable impact upon the character of the area. However he noted that the extension would be harmful to the amenities of no. 88 Plymstock Road, particularly through its overbearing nature upon the side bedroom window and to a lesser extent on its rear decking area. This harm would significantly and demonstrably outweigh the benefits. The Inspectorate therefore concluded that it would fail to satisfy the environmental objective to sustainable development and would conflict with local policies and the provisions of the National Planning Policy Framework when read as a whole. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				