

# Appeal Decisions between 01/03/2019 and 17/05/2019

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
07/03/2019	18/01370/FUL	2019/0001	Appeal Allowed with Conditions	APP/N1160/D/18/3216029
<b>Ward</b>				
Plymstock Radford				
<b>Address</b>				
18 Lalebrick Road Plymouth PL9 9RU				
<b>Application Description</b>				
Part garage conversion, two-storey side extension, alterations to rear conservatory				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mrs Alumeci Tuima		
<b>Synopsis</b>				
<p>Planning permission was refused for a part garage conversion, two-storey side extension, alterations to rear conservatory resulting overbearing appearance and overshadowing to the adjacent neighbour. It was considered to be contrary to policies CS02.3 and CS34.3 and 6, emerging Plymouth and South West Devon Joint Local Plan policies DEV1 and DEV20, paragraphs 2.2.30, 2.2.36-39 of the SPD and paragraph 64 of the NPPF. It was also considered contrary to guidance contained in the Councils Development Guidelines Supplementary Planning Document First Review (2013) and the National Planning Policy Framework. Having reviewed the application, the Inspector has allowed the appeal with conditions by establishing no unacceptable harm would be caused to the living conditions of occupants at No 16 therefore complying with the relevant policies of the Core Strategy and the Joint Local Plan. A light assessment was submitted by the appellant and the separation distance between the two properties were considered marginal whilst allowing for modest improvement in privacy. The Inspectorate also precluded that some of the policies mentioned in the refusal reason did not appear directly relevant in the way it functioned as opposed to the neighbour amenity. 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
18/03/2019	18/01472/FUL	2018/0024	Appeal Dismissed	APP/N1160/W/18/3215404
<b>Ward</b>				
St Peters & the Waterfront				
<b>Address</b>				
1 Bath Place Plymouth PL1 3NH				
<b>Application Description</b>				
Converting motorcycle repair workshop to 4x one bedroom flats and 1x A1/A2 commercial unit on the ground floor and an additional storey to form a third floor (re-submission of 17/01959/FUL)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Miss Amy Thompson		
<b>Synopsis</b>				
<p>Planning permission was refused for the conversion of an existing motorcycle repair workshop into four, one bedroom flats and a mixed use commercial unit (A1/A2) on the ground floor. The proposal also included an additional storey to form a third floor. The proposal was considered to be contrary to Local Development Framework Core Strategy Policies CS02, CS03, CS15, CS28 and CS34, policies DEV1, DEV10, DEV20, DEV21, DEV22 and DEV31 of the Plymouth and South West Devon Joint Local Plan, Paragraphs 2.2.23, 2.2.31, 2.8.15 and 2.8.23 of the Development Guidelines Supplementary Planning Document, Principles 1,2 and 4 of the UnionStreet Conservation Area Action Management Plan, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.n and the National Planning Policy Framework 2018. Having reviewed the application, and visited the site, the Inspector supported the Councils view that the proposed flats numbered 3 and 4 would harm the living conditions of future occupiers, with particular regard to the availability of light and outlook and therefore dismissed the appeal. The Inspector however did not agree with the Councils view that the proposal would impact on the character and appearance of Union Street Conservation Area and considered the proposal would result in a minor enhancement. The Inspector also did not agree with the Councils view that the proposal would impact on the local highway network, with particular regard to the provision of parking. The Inspector considered that the proposal would not result in a material increase in the demand for vehicle parking due to the modest number and size of the proposed units and likely low levels of associated car ownership. The Inspector also noted that the area is well located for the city centre with shops, public transport links and employment opportunities. Cycle parking is provided which would help to mitigate the demand for vehicle parking.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
12/04/2019	18/01011/FUL	2019/0004	Appeal Dismissed	APP/N1160/W/18/3213062
<b>Ward</b>				
Plymstock Radford				
<b>Address</b>				
27 Church Road Plymstock Plymouth PL9 9AL				
<b>Application Description</b>				
Front hardstanding				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mrs Alumeci Tuima		
<b>Synopsis</b>				
<p>Planning permission was refused for a front hardstanding as it was considered to be contrary to policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034, the Development Guidelines Supplementary Planning Document (2013) and paragraph 64 of the NPPF. Having reviewed the application, and visited the site, the Inspector has dismissed the appeal as the development would harm highway safety which fails to accord with Policy DEV29 of the JLP. Amongst other aspects, the development failed to provide safe and satisfactory traffic movement and vehicular access to and within the site and ensure sufficient provision and management of car parking in order to ensure safety of the highway network. 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
03/05/2019	18/00234/S73	2018/0026	Appeal Allowed	APP/N1160/W/18/3217236
<b>Ward</b>				
St Peters & the Waterfront				
<b>Address</b>				
Former Quality Hotel Cliff Road Plymouth PL1 3BE				
<b>Application Description</b>				
Section 73 application to modify conditions: 1 (plans), 10 (further details), 11 (materials samples), 35 (deliveries and refuse collection) & 36 (use of loading bays) of planning permission 17/00952/FUL to allow for various amendments to the external design of the scheme, amended hours for deliveries and reconfiguration of the service yard to incorporate staff car parking spaces				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Tim Midwood		
<b>Synopsis</b>				
<p>While the application was approved the applicant subsequently appealed against the imposition of condition 38 Cladding Maintenance. The Main Issues under consideration in the appeal was whether the condition is reasonable, necessary, enforceable and precise having regard to the long term appearance of the two buildings and their effect on the character and appearance of the surrounding area. The Inspectors conclusion was that the condition fails to comply with paragraph 55 of the Framework and that the development would comply with Policies DEV20-21 and PLY20-21 of the JLP without the imposition of condition no. 38. I also conclude that the removal of condition no. 38 would not impact upon the significance of the heritage assets referenced above. As such the appeal was allowed with the planning permission is varied by removing condition no. 38. 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
14/05/2019	17/01247/FUL	2018/0025	Appeal Dismissed	APP/N1160/W/18/3213096
<b>Ward</b>				
Moorview				
<b>Address</b>				
Land Adj. Millstones Hotel Tavistock Road Plymouth PL6 7HD				
<b>Application Description</b>				
Construction of a detached house and detached garage (Resubmission of 17/00379/FUL)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Miss Amy Thompson		
<b>Synopsis</b>				
<p>Planning permission was refused for the construction of a detached house and garage on Tavistock Road. The proposal was considered to be contrary to Local Development Framework Core Strategy Policies CS27, CS28 and CS34, policies PLY47 and DEV31 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework. Having reviewed the application, and visited the site, the Inspector supported the Council's view that the operation of the proposed turntable could be severely prejudicial to highway safety and therefore dismissed the appeal. The Inspector however stated that insufficient information had been provided to allow for the Inspector to conclude that the proposed development would have an adverse impact on the road improvement on the area and would encroach on the land identified for widening the A386. The Inspector therefore considered that the proposal would not be contrary to policy PLY47. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				