
Appeal Decision

Site visit made on 27 February 2017

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st March 2017

Appeal Ref: APP/N1160/W/16/3162158

12a Miller Court, Plymouth PL1 3LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr C J Friend against the decision of Plymouth City Council.
 - The application Ref 16/01114/FUL, dated 13 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is described on the application form as the 'erection of dwelling at first floor level partly above garage to rear of number four Victoria Place and adjacent to 12a Miller Court'.
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Decision

1. The appeal is dismissed.

Main issues

2. Based on the information before me I consider the main issues in this appeal to be whether or not access to the dwelling proposed would be safe and suitable, and whether or not appropriate parking provision would be made.

Preliminary matters

3. The Council set out within their officer report associated with application Ref 16/01114/FUL that they are not presently able to demonstrate five year land supply of deliverable housing sites as required by the National Planning Policy Framework (the 'Framework'). With reference to paragraph 49 of the Framework, relevant policies for the supply of housing must consequently be considered to be out-of-date.
4. I have therefore approached this decision in line with the operation of the presumption in favour of sustainable development as explained in paragraph 14 of the Framework, i.e. that where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.

Reasons

Access

5. The appeal site encompasses some land and a single storey garage block adjacent to No 12a Miller Court, a two storey dwelling converted from a former office.¹ Situated within a relatively dense mixed area of Plymouth, numerous services and facilities fall close by.
6. The appeal site is to the rear of Nos 3 and 4 Victoria Place, both of which are substantial properties composed of flats. Four storeys of Nos 3 and 4 are visible above the ground level of Miller Court. Only three storeys, however, are apparent from Victoria Place given that this carriageway, and indeed Stonehouse Street, is at a significantly higher ground level than that of the appeal site. An imposing traditional stone wall flanks Stonehouse Street beyond an open area of hardsurfacing adjacent to No 12a. The appeal site is therefore notably sunken relative to its surroundings.
7. The appeal site is accessible via the Miller Court industrial estate or Slate Lane. The former is a cluster of commercial uses, notably garages, accommodated in various buildings of utilitarian industrial appearance. Miller Court has a character commensurate with its function. At the time of my site visit in the morning of 27 February 2017, parking appeared to be at a premium within Miller Court with very few allocated spaces remaining available.
8. Many units within Miller Court have installed security gates, outside areas associated with various premises were used for the open storage of miscellaneous items, and a collection of refuse bins were located immediately adjacent to the appeal site. Whilst Miller Court has street lighting and walkways, the appellant explains that it 'is largely used between normal business hours and thereafter is without any activity or surveillance'. Pedestrian use of Miller Court to access the appeal site, particularly when commercial units are not operating, would on account of the nature of the environment in my view be bleak and unwelcoming.
9. Slate Lane is a narrow cobbled way, which appeared to me to have originated primarily as a service lane in connection with the grand historic properties fronting Caroline Place and Emma Place. At a short distance from the appeal site it passes beneath Stonehouse Street through a traditional arched stone underpass. The underpass is unlit, barely of sufficient height to allow for pedestrian use, and at the time of my visit was strewn with litter. I note the appellant explains that the area has historically 'had trouble with anti-social behaviour'. Consequently, in my view, pedestrian access to the appeal site via Slate Lane would be intimidating.
10. I would note that two dwellings are accessed independently via Slate Lane, Nos 19 and 21, and I understand that a third has recently been permitted to the rear of No 45 Emma Place. However it is not necessary to pass through the underpass beneath Stonehouse Street to reach these properties or indeed through Miller Court.
11. The National Planning Policy Framework (the 'Framework') establishes that planning should always seek to secure a good standard of amenity, sets out that decisions should take account of whether safe and suitable access to the

¹ With reference to applications Ref 14/00534/GPD, 14/01182/GPD and 14/01920/PRD.

site can be achieved for all people, and encourages development that creates safe and accessible environments.

12. Similarly policies CS28 'Local Transport Considerations' and CS34 'Planning Application Considerations' of the Plymouth Local Development Framework Core Strategy 2006-2021, adopted in April 2007 (the 'Core Strategy'), establish that development should be supported by safe and convenient access and ensure public safety.
13. Notwithstanding the discussion in preliminary matters, I am of the view that the provisions of policies CS28 and CS34 of the Core Strategy cited above may nevertheless be accorded substantial weight. The approach that they set is consistent with that of the Framework and has continued practical relevance in seeking to ensure that all development is appropriate.
14. I acknowledge that a dwelling in the location proposed would benefit the natural surveillance of the surroundings. However on account of the enclosed nature of the appeal site relative to its surroundings and the inhospitable nature of access either via Miller Court or Slate Lane from the appeal site, this benefit would be to the significant detriment of those accessing and occupying the dwelling proposed.
15. I note that the proposal was not apparently assessed by a Police Architectural Liaison Officer. Nevertheless it is clear from the information before me and from my site visit observations that accessing a dwelling in this location, particularly by foot, would lead to perceived or actual concerns for personal safety on account of the nature of its surroundings described above. Whilst 12a is in use as a dwelling, the circumstances that led to this property being used as such are materially different from those relevant in this appeal.² In any event that 12a is a dwelling does not serve to justify inappropriate development in the present.
16. I conclude that the access to the appeal site is neither safe nor suitable for the reasons given above. The proposal therefore conflicts with relevant elements of the Framework and with the relevant provisions of policies CS28 and CS34 of the Core Strategy.

Parking provision

17. As noted above the Framework establishes that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.³ It also sets out that decisions should aim to ensure that development functions well and adds to the overall quality of an area.
18. Briefly stated, criterion 8 of policy CS34 of the Core Strategy requires that development should contribute to meeting the parking requirement arising from necessary car use. In this respect policy CS34 is consistent with the approach in the Framework and addresses a matter which it is logical to

² Being a change of use via the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO').

³ 'Amenity' is subject to no specific planning definition within the Framework, and must therefore be accorded its ordinary meaning of the useful or desirable features of an area.

consider in determining the effect of any development with regard to its surroundings. I therefore accord criterion 8 of policy CS34 substantial weight.⁴

19. The flat proposed would be above a block of 4 single garages which I understand are presently used in connection with Nos 3 and 4 Victoria Place (as approved via application Ref 10/01345/FUL). The Council do not appear to specifically object to the parking provision proposed that would be used directly in connection with the dwelling itself, and there is no evidence before me to find otherwise in this respect.
20. However, owing to the installation of a front door, lobby and internal staircase to the flat, the width of the existing garage space would be notably reduced. Whilst I accept that it would remain possible to park 4 cars within the garage space that would result, this would be to some degree less convenient than the present situation on account of a reduction in circulation space.
21. Moreover the 4 garages currently present are accessed independently.⁵ The proposal would mean that only 2 entrances would be provided. Therefore whilst geometrically 4 cars could be accommodated within the garage space proposed, practically 2 would be prevented from freely exiting when the garage space is fully occupied. This would significantly reduce the usability of the garage space for parking.
22. Therefore on account of the size and configuration of the garage space proposed, the development would result in an increased demand for on-street parking in a relatively dense mixed location of Plymouth where, as noted above in respect of Miller Court, there appears to be significant existing baseline pressure for parking spaces.
23. Consequently in failing to function well with reference to its surroundings, the proposal would lead to some degree of inconvenience to nearby residents. I therefore conclude that the proposal would conflict with relevant elements of the Framework and criterion 8 of policy CS34 of the Core Strategy.
24. Although the existing garages are owned by the appellant, and their continued use in connection with Nos 3 and 4 Victoria Place appears to be in part dependent on private agreement to do so, if approved the proposal would enable the provision of less useable parking space as an alternative to that permitted via application Ref 10/01345/FUL. The ownership of the site therefore qualifies rather than nullifies the effect of the development proposed in planning terms in respect of parking provision. I have also set out above that, notwithstanding practical considerations, the garage would be physically large enough to accommodate 4 cars. Therefore the harm arising in respect of parking provision can only be accorded limited weight against the proposal.

Other Matters

⁴ Whilst I have also taken into account policy 30 'Safeguarding environmental quality, function and amenity' of the emerging Plymouth Plan 2011-2031 (the 'Plymouth Plan'), which establishes that sufficient provision should be made for car parking in order to ensure safety of the highway network, given the stage of preparation that this plan has presently reached I cannot accord it significant weight in this decision.

⁵ As illustrated on plan 'DWG 2 of 2' related to application Ref 10/01345/FUL.

25. Whilst the proposal would result in an addition to housing stock, the benefits in this respect would be confined to an incremental numerical addition rather than in terms of appropriately located development. The proposal would also entail some social and economic benefits in supporting employment during construction and as future occupants would make use of nearby services and facilities. Nevertheless these benefits would be modest in respect of one new dwelling, and therefore do not outweigh the clear harm that would arise as identified in the main issues in this case.
26. On account of the sunken location of the appeal site, the limited scale of the proposal, and the proximity of utilitarian industrial buildings, the proposal would not in my view adversely affect the character or appearance of the surrounding Stonehouse Peninsular Conservation Area, a position consistent with that of the Council in this regard. Nevertheless that the proposal would not be unacceptable in this respect does not outweigh the harm that would arise. Consequently neither this, nor any other matter, is sufficient to outweigh or alter my findings in respect of the main issues in this case.

Conclusion

27. Whilst the proposal would have some benefits, for the above reasons they cannot be accorded significant weight in favour of the proposal. Consequently the clear adverse impacts of the development would, in my view, significantly and demonstrably outweigh the benefits when assessed against the approach in the Framework. The proposal furthermore conflicts with the development plan taken as a whole. Having taken all other matters raised into account, I therefore conclude that the proposal does not represent sustainable development and that the appeal should be dismissed.

Thomas Bristow

INSPECTOR