The Planning Inspectorate

Appeal Decision

Site visits made on 27 March 2017 and 3 April 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date:26 April 2017

Appeal Ref: APP/N1160/W/16/3165593
861A Wolseley Road, Plymouth PL5 1JX

- 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 Robert Fenton against the decision of Plymouth City Council.
- The application Ref 16/01664/FUL, dated 20 August 2016, was refused by notice dated 12 December 2016.
- The development proposed is described in the application form as the 'enlargement of existing garage, change of use to residential. New detached garage to be built'.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the development proposed on the character and appearance of the area, and in relation to the living conditions of the occupants of No 863 Wolseley Road.

Reasons

Character and appearance

3. The appeal site comprises a narrow vehicular access from Wolseley Road between the side elevations of Nos 861 and 863, a large single storey garage of comparatively modern construction, and a parcel of land. The Council previously granted permission for the conversion of the garage into a 2 storey dwelling (the '2016 permission').[1] The proposal here is for a 3 storey dwelling.

4. The 2016 permission remains extant and there is no evidence before me to indicate that it would not be implemented irrespective of the outcome of this appeal. Therefore whilst each proposal must be determined on its particular merits, the 2016 permission is relevant in so far as it represents development that may be undertaken in any event.

5. Wolseley Road winds directly alongside the bank of the river Tamar. The topography drops substantially from the level of the carriageway to that of the river, including at the appeal site. This change in level is so significant that a three storey property under construction between Wolseley Road and the river,

[1] Ref 15/02120/FUL.

signed as No 863A, was almost imperceptible from vantage points along Wolseley Road.

6. The appeal site is located at sharp turn of Wolseley Road where the pattern of development changes markedly. Towards the main built form of Plymouth which falls broadly to the east and north, the form and layout of properties is more reflective of a comparatively dense urban environment. Immediately adjacent to the appeal site properties are typically grand detached dwellings arranged in linear fashion along Wolseley Road set within spacious plots with generous spacing between them.

7. On account of the topography and the prevailing form of development nearby, openness is a characteristic feature of the immediate area. The plots of many nearby properties contain a significant number of mature trees, and the area is covered by a Tree Preservation Order. This lends a semi-natural character to the area (without compromising openness on account of the topography).

8. From various vantage points along Wolseley Road there are consequently largely open views of the River Tamar, its opposite bank towards the confluence with the River Lynher, and of the distant landscape. The appeal site is also nearby the Plymouth Sound and Estuaries Special Area of Conservation (SAC), an area accorded protection on account of its particular ecological value.

9. Nos 861 and 863 reflect the prevailing characteristics of their surroundings: originally traditional properties with classical symmetrical proportions set within spacious and verdant plots. They are orientated at a slight angle from one another on account of following the curve of the carriageway.

10. No 863 has previously been enlarged beyond its original form by way of a substantial two storey extension facing No 861.[2] This extension, combined with the garage within the appeal site, has reduced the degree of separation that would have originally existed between Nos 861 and 863, and therefore the sense of openness in this particular location.

11. The 2016 permission would further reduce the visual separation between the properties by extending one storey above that of the existing garage, albeit that the prominence of that proposal would be moderated by the provision of first floor accommodation within the roof slope of that scheme.[3] Whilst the height of the eaves and the roof of the dwelling now proposed would be consistent with those features of neighbouring properties, the effect of this development would nonetheless be to effectively remove any meaningful visual separation between Nos 861 and 863.

12. The visual prominence of the dwelling now proposed would be exacerbated by the dormer windows proposed within the roof slope facing Wolseley Road, where none are present facing Wolseley Road at either Nos 861 or 863. Moreover from certain vantage points the dwelling proposed would be obscured by the form of No 863. This arrangement would appear jarringly out-of-keeping

[2] There is no information before me related to the planning considerations, if any, that applied in respect of this extension, including with reference to the point made by the appellant that this extension abuts the common boundary with the appeal site.
[3] As shown in particular in drawing No 1649 [PL] 02 supporting the 2016 permission.

with the prevailing linear arrangement of dwellings along this side of Wolseley Road, resulting in an incongruous level of density.

13. Whilst I acknowledge that the original spacing between Nos 861 and 863 has been reduced, and would be reduced further were the 2016 permission implemented, this does not serve to justify unacceptable development in the present. Moreover the proposal before me would have a significantly greater effect in this respect than the 2016 permission scheme. Considered collectively, given the prominence of the appeal site and the nature of the development proposed, the current proposal would in my view harm to the low density, open and semi-natural character of the area.

14. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area in conflict with policy CS02 'Design' of the Council's Core Strategy 2006-2021 adopted in April 2007 (the 'Core Strategy') which, briefly stated, requires that all development integrates appropriately with its surrounding context. The proposal would also conflict with the approach in the National Planning Policy Framework (the 'Framework') to securing high quality design and to reinforcing local distinctiveness.

Living conditions

15. The rear garden of No 863 slopes down steeply from Wolseley Road towards the river in stepped fashion and contains much mature planting. Although not illustrated on the plans before me, No 863 has two balconies at first floor level.[4] One balcony is aligned with the side elevation of the dwelling furthest from the appeal site, the other abuts the boundary of the appeal site.

16. The rear elevation of the dwelling permitted via the 2016 permission would be parallel with that of the rear elevation of No 861 and would therefore face away from the rear garden of No 863. However the dwelling now proposed has a more complex form; one element of the rear elevation now proposed would instead be at right angles to the common boundary of No 863 and would contain windows or glazed doors serving all three storeys.

17. Given the nature of the garden of No 863 described above, as only oblique views would be possible through the windows and doors of the dwelling proposed to the garden of No 863, and as no windows would face directly the balconies of No 863, I am not of the view that the effects of the proposal in respect of privacy would be unacceptable.[5]

18. The effect of development proposed on the living conditions of occupants of adjacent buildings is dependent on the context in which development is proposed, rather than a matter that can be settled with reference to standard metrics. Notwithstanding my finding in respect of privacy above, I have identified in relation to the first main issue that the location and form of the dwelling proposed would be markedly out of keeping with the generally more spacious and low-density nature of the area.

[4] Given the changing topography of the appeal site the level of these balconies is not directly aligned with the floor levels of the dwelling proposed.
[5] Some concern has potentially arisen from the occupants of No 863 in this respect given that certain plans, by virtue of the method of representation used, do not clearly convey the complex form of the dwelling proposed.

19. Considered in this context the proposal would result in a significant built form in closer proximity to No 863 than is the prevailing inter-relationship of properties nearby, notwithstanding the sloping roof pitch proposed. This would result in an adverse sense of enclosure as experienced within the rear garden of No 863 and at the balcony closest to the appeal site in particular. Moreover as the dwelling proposed would fall broadly to the south of No 863, it would result in a greater degree of overshadowing to the garden and nearest balcony than is currently the case, or would be the case were the 2016 permission implemented.[6]

20. For the above reasons I therefore conclude that the proposal would be detrimental to the living conditions of the occupants of No 863 by resulting in an atypical level of enclosure and overshadowing relative to that of the surrounding area. The proposal therefore conflicts with policy CS34 'Planning Application Considerations' of the Core Strategy, which, amongst other requirements, establishes that all development should suitably protect residential amenity. Conflict similarly arises with paragraph 17 of the Framework, which sets out that planning should always seek to secure a good standard of amenity for all occupants of buildings.

Other matters

21. I note that the garage proposed as part of the current scheme is physically separate from the dwelling proposed. However no new garage was proposed as part of the 2016 permission. There is nothing in the information before me to establish whether or not the new garage proposed is solely as a consequence of the nature of the dwelling now proposed, or would be sought irrespective of the outcome of this appeal.

22. Moreover I am not satisfied on the basis of the information before me that the garage would provide for appropriate space for its intended purpose, particularly given the narrow nature of the access identified above.[7] With regard to Section 79(1)(b) of the Town and Country Planning Act 1990 as amended, I cannot therefore reasonably approach this decision from the perspective that the garage proposed is a clearly severable elements of the proposal as a whole, or that it would be appropriate development in itself.

23. The Council have brought nearby appeals Ref APP/N1160/A/12/2179622 and APP/N1160/W/15/3134506 to my attention. Both turn on matters relating primarily to the effect of development on trees, whereas the proposal before me would entail no direct effects in this respect. Consequently, for the sake of comprehensiveness, I am not of the view that those appeals are directly comparable with the circumstances relevant here.

24. I note that there is some ambiguity in the information before me as to the effect of the proposal on ecology, with reference to the SAC in particular.[8] However the Council have explained at appeal that, were the proposal

[6] Whilst the appellant contends that the 'loss of light is possibly immeasurable' this appears to acknowledge that there would be some loss of light, and no methodological evidence is before me in this regard.
[7] I would note that the plans supporting the proposal have no annotated dimensions of the garage or its entrance, there is no material depth to any of the walls shown, and no indicative locations of parked vehicles given.
[8] Whilst the appellant contends that the impact on biodiversity has 'already been considered' as part of the 2016 permission, the Council's officer report sets out that additional studies may be required to establish the effect of the proposal in this regard and to identify suitable mitigation measures.

otherwise acceptable, any ecological effects could be suitably addressed via conditions. Taking account of the extant permission, and with reference to relevant elements of the Framework and the Planning Practice Guidance, I am satisfied on the basis of the information before me that this is indeed the case. Nevertheless that the absence of unacceptable ecological effects could be secured via condition is effectively neutral in the planning balance rather than weighing positively in favour of the proposal.

Conclusion

25. For the above reasons, and having taking all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR