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## Appeal Decision

Site visit made on 5 June 2017

**by Robert Parker BSc (Hons) Dip TP MRTPI**

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

**Decision date: 28 June 2017**

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**Appeal Ref: APP/N1160/D/17/3166917**

**The White Cottage, 36 Tor Road, Plymouth PL3 5TF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Barry Grigg against the decision of Plymouth City Council.
  - The application Ref 16/02030/FUL, dated 24 August 2016, was refused by notice dated 1 December 2016.
  - The development proposed is single storey side extension to form residential annexe.
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### Decision

1. The appeal is allowed and planning permission is granted for single storey side extension to form residential annexe at The White Cottage, 36 Tor Road, Plymouth PL3 5TF in accordance with the terms of the application, Ref 16/02030/FUL, dated 24 August 2016, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 160722/P/01 Rev F, 160722/P/02 Rev G and 160722/P/03 Rev E.
    - 3) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The White Cottage, 36 Tor Road, Plymouth.
    - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
    - 5) Notwithstanding the details shown on the approved plans, the window on the north elevation of the building (serving the toilet/shower room) shall at all times be fitted with obscured glazing (the glass of which shall have an obscuration rating of not less than 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
    - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the north and west elevations of the building.
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## **Procedural Matter**

2. The description of development used in my formal decision is not that taken from the application form but the revised wording agreed between the parties at the validation stage and adopted by the Council on its decision notice.

## **Main Issues**

3. The main issues in this case are:
  - a) the effect of the proposal on the character and appearance of the area; and
  - b) whether the development would provide adequate living conditions for the occupiers of the annexe and the parent dwelling.

## **Reasons**

### *Character and appearance*

4. The proposal would involve the construction of a large single storey extension to the side of the appeal property, to replace an existing garage and store. The Council has already granted permission for an extension of substantively the same scale and massing. The main difference relates to the design of the front elevation which under the approved scheme is flush with the front wall of the dwelling. The proposal is to step part of the extension forward by 615 mm.
5. The Council is concerned that the revised design would breach the building line in Tor Road. The Development Guidelines Supplementary Planning Document (First Review) 2013 (SPD) advises that forward projecting extensions will generally be resisted. However, I noted during my visit that there are subtle variations to the building line along Tor Road. This means that the development would be set behind 34 Tor Road, in the context of which it would be viewed.
6. Furthermore, the extension would be subservient to the central gable feature of the appeal property which is deeper and closer to the road. The modest height would make it read as a subordinate addition to the host property, despite the slight step forward. In my opinion, the development would not be unduly prominent and it would sit comfortably within the street scene.
7. Concerns have been raised regarding precedent but given that I have found the proposal to be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area. Future proposals should be considered on their own merits.
8. Accordingly, I conclude that the proposal would not cause material harm to the character or appearance of the area. It would comply with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) (2007) (CS). This policy seeks to ensure, amongst other things, that development is compatible with its surroundings whilst at the same time contributing positively to the townscape.

### *Living conditions*

9. The proposed residential annexe would contain all the necessary elements required for independent day-to-day living, including a lounge/kitchen, dining room, bedroom and bathroom. It would also have a separate entrance leading onto the driveway at the front of the property.

10. The Council is concerned that the additional living accommodation is not sufficiently integrated into the layout of the existing house and that the potential exists for it to be used as a separate dwelling. My attention is drawn to guidance within the SPD which highlights the problems that can arise from self-contained units being severed from the main dwelling. This includes the creation of sub-standard accommodation with inadequate privacy, access provision, parking and amenity space.
11. The intention in this particular case is for the development to be occupied by family members of those residing in the main house. The annexe would be closely related to the parent dwelling, separated by the width of a covered passageway and with easy access between the two. The bedroom and living areas of the annexe would look out onto a shared garden and patio. This arrangement would provide occupiers with an acceptable level of privacy and independence, whilst at the same time enabling the family to live together as a single household unit.
12. Whilst I acknowledge the concern regarding possible severance, this could be prevented through the use of a planning condition similar to the model condition in Appendix A of Circular 11/95<sup>1</sup>. The Council has questioned the enforceability of such a condition, but the wording is based on that set out within Government guidance and therefore I have no particular concerns.
13. In practice, the shared amenity space would make independent occupation of the annexe an undesirable proposition for the occupiers of the main dwelling. In all probability, the floorspace would be incorporated into the main house, should a future purchaser have no need for self-contained ancillary living accommodation. This could be achieved simply with relatively minor alterations.
14. Notwithstanding the guidance within the SPD, no material planning harm would result from the appeal proposal. The scheme would provide adequate living conditions for the residents of the annexe and the main dwelling. I therefore find no conflict with Policy CS34 of the CS insofar as it seeks to protect residential amenity.

### **Other Matters**

15. The decision notice cites Policies 29 and 30 of the Plymouth Joint Local Plan. These policies were not included with the initial Questionnaire. The Council has subsequently provided copies of Policies PLY29 and PLY30 but neither policy is relevant to the matters in dispute. Consequently, emerging planning policy has had no bearing on my decision.

### **Conditions**

16. In addition to the standard commencement condition, it is necessary to attach a condition to define the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. As discussed above, a condition is necessary to restrict occupancy of the annexe in the interests of ensuring adequate standards of residential amenity.
17. To protect the character and appearance of the area a matching materials condition is required. Further conditions are needed to secure obscure glazing

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<sup>1</sup> Use of conditions in planning permission

and control future window openings on the north and west elevations, in the interests of protecting the privacy of neighbouring occupiers.

**Conclusion**

18. For the reasons given above I conclude that the appeal should succeed.

*Robert Parker*

INSPECTOR