
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

Appeal Ref: APP/N1160/W/16/3167424

Dolphin House, Sutton Harbour, Plymouth, Devon PL4 0DW

- 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 Dolphin RTM Co Ltd against the decision of Plymouth City Council.
 - The application Ref 16/01474/FUL, dated 28 July 2016, was refused by notice dated 14 October 2016.
 - The development proposed is installation of new roller shutter doors to face of Dolphin House Sutton Harbour elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I am advised that the applicant is Dolphin RTM Co. Ltd (right to manage) and not Plymouth Blue c/o Envoy as stated on the application form. I have dealt with the appeal on this basis.

Application for costs

3. An application for costs was made by Plymouth City Council against Dolphin RTM Co Ltd. This application is the subject of a separate decision.

Main Issues

4. The main issues in this case are:
 - a) whether the proposal would preserve or enhance the character or appearance of the Barbican Conservation Area; and
 - b) whether it would prejudice the safe and efficient operation of the public highway.

Reasons

Conservation Area

5. Dolphin House fronts directly onto the historic cobbled waterfront of Sutton Harbour. The former warehouse has been sympathetically converted to flats with commercial uses at ground floor level. Although unlisted, it is a prominent and attractive building which makes a significant positive contribution to the character and appearance of the Barbican Conservation Area.
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6. Residents of the flats have use of a private car park which is accessed via an archway at the northernmost corner of the building. The entrance to this area is protected by a solid roller shutter door which is deeply recessed within its opening by approximately 2 metres. The proposal is to replace this with a new open grille roller shutter door installed on the external face of the building.
7. The housing unit and associated shutter guides would project from the wall and their installation would pay insufficient regard to the size and proportions of the archway itself. These crude and ugly fixtures would detract from the character and appearance of the building. For this reason I find that the proposal would be detrimental to the conservation area.
8. Paragraph 134 of the National Planning Policy Framework requires that, in cases such as this where the harm to the significance of a designated heritage asset is less than substantial, the harm should be weighed against the public benefits. The benefits identified in this instance are predominantly private ones for the occupiers of the flats. The balance therefore goes against the proposal.
9. Having regard to the above, I conclude that the appeal scheme would fail to preserve or enhance the character or appearance of the Barbican Conservation Area. It would thus conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) (CS). This seeks to safeguard historic environment interests, including the character and setting of conservation areas.

Highway matters

10. The Council is concerned that the proposal would lead to cars waiting within the carriageway whilst the new roller shutter door is opened. I acknowledge that this is a possibility. However, any obstruction to the public highway would be brief. Given the lightly trafficked nature of Sutton Wharf and the infrequency with which the car park entrance is used I do not consider that there would be a significant adverse effect on the free flow of traffic or public safety in general.
11. Accordingly, I conclude that the proposal would not prejudice the safe and efficient operation of the public highway. It would therefore comply with Policy CS28 of the CS insofar as it seeks to ensure that development supports safe and convenient pedestrian, cycling and road traffic movement.

Other Matters

12. I have given some weight to the fact that the development is being sought to prevent litter and anti-social behaviour within the dark recess to the front of the existing roller shutter door. However, this does not justify the harm to the conservation area arising from the installation of the roller shutter on the external face of the building.
13. I have noted the concerns in relation to the effect on an adjacent restaurant's extractor flue. However, there is no firm evidence to persuade me that there would be a significant nuisance problem. Based on the information before me, this matter would not constitute a reason to dismiss the appeal.
14. The appellant makes reference to the adjacent Meze Bar which is a listed building. It is contended that the local planning policies have been applied inconsistently. The Council has indicated that the highlighted bin store is unauthorised but is preferable to exposed bins. I do not know the full background to the Juliet balcony and signage. However, neither is directly

comparable to the appeal scheme and each case must be considered on its merits in any event.

15. The Council has indicated that, in the event of me finding in favour of the appellant on the highway issue, it would accept a condition requiring the roller shutter to be installed on the underside of the archway or behind the lintel. However, without any certainty over whether such designs would be feasible or acceptable to the appellant such an approach would not be appropriate.

Conclusion

16. I have found that the appeal scheme would not be prejudicial to the safe and efficient operation of the public highway. However, having regard to my observations on site, I conclude that the proposal would be unacceptable due to its adverse impact on the Barbican Conservation Area.
17. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR