The Planning Inspectorate

Appeal Decision

Site visit made on 6 September 2017

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/N1160/W/17/3169500
73 North Road East, Plymouth, Devon PL4 6AN

- 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 Benico Solomon against the decision of Plymouth City Council.
- The application Ref 16/01767/FUL, dated 9 September 2016, was refused by notice dated 6 December 2016.
- The development proposed is the conversion of a single family dwelling into two self-contained flats.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a single family dwelling into two self-contained flats at 73 North Road East, Plymouth, Devon PL4 6AN in accordance with the terms of the application, Ref 16/01767/FUL, dated 9 September 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: Refs: 2016.003.00A, 2016.003.00, 2016.003.03, 2016.003.05A and 2016.003.06.

Preliminary matter

2. The Council's decision notice refers to the proposal as the "conversion to 2 flats (C3) and rear extension". This is a more accurate description of the proposal and for the avoidance of doubt I shall deal with the proposal on this basis.

Main Issue

3. The main issue is whether the proposal would provide satisfactory living conditions for the intended occupiers of the proposed flats, with particular regard to the adequacy of amenity space.

Reasons

4. The existing house has a small rear yard, accessed from the kitchen and from a shared passageway that runs between Nos 73 and 75 North Road East. It is proposed to construct a rear extension over more than half of the area of the yard, leaving an amenity area measuring about 9 sq.m., which is shown on the plans as being sufficient to accommodate bin and cycle storage.

5. Plymouth Local Development Framework Core Strategy (CS) Policy CS34 deals with planning application considerations and says that planning permission will be granted if all relevant considerations are properly addressed. It specifically sets out some of these considerations, but they do not include the adequacy of amenity space. However, the supporting text says that Supplementary Planning Documents (SPDs) will be used to interpret this policy. I consider that the provision of satisfactory amenity space is a "relevant consideration" within the meaning of Policy CS34, and therefore it is appropriate to consider the policy in the light of the *Development Guidelines SPD,* which seeks a provision of 50 sq.m for flats.

6. However, there are a number of relevant considerations. The first is that the SPD specifically recognises that within the City Centre, it is not unreasonable to assume that outdoor amenity space provision might be lower. Whilst the available amenity space provided here would be considerably below the normal standard, it would provide space for functional amenities, such as bin storage, accessible cycle storage and perhaps a washing line.

7. The second consideration is that the existing amenity space is of poor quality. It is hemmed in by the flank wall of the neighbouring extension at 71 North Road East, which runs along the whole of the side boundary. The rear of the property is dominated by a high steel-profile roof of an adjoining building, and there are other tall buildings nearby. As a consequence the rear yard receives little sunlight, has a very limited outlook and is a fairly bleak place, not conducive to sitting out.

8. The appellant has also referred to the aim to let the property to students. I saw on my visit that the site is very close to the extensive Plymouth University buildings, and that there were a large number of flats, houses and other forms of residential accommodation in the area which were targeted at students. Whilst there can be no guarantee that the flats would be occupied by students, in the circumstances I have described, I consider that it would be likely that, certainly in the short and medium term, the property would be occupied by students. Students would be less likely to have children than other occupiers, for whom the provision of amenity space is more important, and this weighs in favour of the proposal.

9. The Council has already refused planning permission for the use of the premises as an house in multiple occupation. The appellant has explained that the proliferation of student premises in the area makes it difficult to market the house as a family dwelling, and that the property had been vacant and for sale for some time before he bought it with the intention of providing suitably sized rooms for 2 flats. I consider that there is some force in this argument, and this adds to my reasons for allowing the appeal.

10. Taking all these matters into account, I consider that in the circumstances, the limited amount of amenity space available is an insufficient reason to withhold permission. I find that the proposal would not result in material harm to the living conditions of the intended occupiers or conflict with Policy CS34.

Conditions

11. The Council has not suggested any conditions other than the standard implementation condition. However, a condition to require the development to

be carried out in accordance with the approved plans is needed to ensure certainty.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR