



Appeal Decision

Site visit made on 9 August 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2019

Appeal Ref: APP/N1160/W/19/3226557

Land adjacent to Chesterfield Road, Plymouth, PL3 6BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr John Wills against the decision of Plymouth City Council.
 - The application Ref: 19/00179/PIP dated 7 February 2019, was refused by notice dated 14 March 2019.
 - The development proposed is residential development of up to 2 dwellings or 6 flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG)¹ states that the scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at the technical details consent stage. Accordingly, I have considered only the issues relevant to those 'in principle' matters in my determination of the appeal.
3. Since the refusal of planning permission, the Plymouth and South West Devon Joint Local Plan 2019 (the Joint Local Plan) has been adopted by the Council and the policies therein can now be afforded full weight in decision making. The Plymouth Core Strategy policies CS15, CS28 and CS34 as quoted in the Council's decision notice have been replaced by Policies DEV1 and DEV29. It is evident that all the parties have had an opportunity to comment on the implications of the new plan on the proposal and I have determined the appeal accordingly.

Main Issues

4. The Council has confirmed that the location and land use are acceptable. Therefore, the main issues are the effect of the amount of development proposed on:
 - living conditions of residential occupiers of Trefusis Gardens, with regard to outlook and privacy; and

¹ Paragraph: 012 Reference ID: 58-012-20180615

- highway safety.

Reasons

Living conditions

5. The appeal site is a rectangular shaped, steeply sloping plot of land on the west side of Chesterfield Road. It slopes down from Chesterfield Road to the rear gardens of properties fronting Trefusis Gardens several metres below.
6. The proposal is to provide up to two dwellings or six flats on the site. The appeal site appears to be sufficiently wide to accommodate two houses or a small block of flats. However, due to the depth of the site, the distance between any properties built on this slope and the rear gardens and elevations of houses fronting Trefusis Gardens would be limited. Whilst the main gardens to the Trefusis Gardens properties are to the front, they do have small rear gardens, which provide their only areas of private outdoor space; and several windows within the rear elevation providing light and outlook to the rear facing rooms in these properties.
7. The steepness of the slope, even acknowledging there are plateaus within the site, means that any buildings would be likely to require significant groundworks with retaining walls and some form of terracing to create garden space. These would result in a bulky form of development that would have an overbearing impact when viewed from the Trefusis Gardens properties, with a harmful impact on their outlook. Any windows to the proposed properties that face towards Trefusis Gardens, while they would enable occupiers to look out above the roof of these properties would also enable them to look down and into the windows of Trefusis Gardens houses. This would lead to unacceptable levels of overlooking of these properties and a loss of privacy.
8. Sections of the slope above Trefusis Gardens either side of the appeal site have already been developed with housing including a row of terraced houses to the north of the appeal site and a standalone dwelling at 'Hedgehog Corner', 17 Chesterfield Road. The rear elevations of the terraced houses are set some distance further back from the properties below on Trefusis Gardens, at a distance that could not be achieved on the appeal site. They do not give rise to unacceptable impacts from overlooking or loss of outlook.
9. Hedgehog Corner has a windowless gable end wall facing towards Trefusis Gardens and is positioned between a gap between pairs of semi-detached houses. While this reduces overlooking from this property, the house nevertheless appears quite large and overbearing when viewed from the street level below on Trefusis Gardens. Therefore, even if the proposed houses or flats were to be positioned in a similar way to Hedgehog Corner, they would have an overbearing effect on the properties below.
10. I therefore conclude that the amount of development proposed would harm the living conditions of occupiers of Trefusis Gardens with regard to outlook and privacy. It would therefore conflict with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan 2019 (the Joint Local Plan) which, amongst other things, requires development proposals to provide satisfactory outlook and privacy for existing residents. It would also conflict with the design objectives of the National Planning Policy Framework (the Framework).

Highway safety

11. The proposed development would be adjacent to a section of Chesterfield Road which is a cul-de-sac and which appears to be privately owned. There is no footway or road markings. I observed at the time of my site visit that cars were parked across the grass verge outside the houses on the east side of this road and that this type of parking was typical along Chesterfield Road. A limited number of houses on Chesterfield Road have off-street parking.
12. The addition of up to two dwellings or six flats would lead to an increase in traffic and parking demand within this cul-de-sac. As the application seeks only permission in principle at this stage, the layout and detail of any parking arrangements are not before me. From my own observations on site, it appears that the length of the frontage to Chesterfield Road would enable the provision of some off-street parking. I also note that the Highway Authority considered a maximum of two dwellings or four flats could be accommodated in terms of traffic and parking impacts but not six flats.
13. The appellant has indicated that he would provide a footway as requested by the Highway Authority. This would represent an improvement for pedestrians. However, even if this were provided, on the basis of the evidence before me, in the context of the local traffic conditions and from my own observations on site, I am not satisfied that the maximum amount of development proposed could be accommodated on site without harm to highway safety.
14. The appellant has suggested that a lesser number of units could be provided to overcome the Highway Authority's objection. However, the proposal before me is for up to six flats. The provision of car parking and traffic impacts alone are not determinative factors as I have also found the scheme unacceptable in terms of its impact on living conditions.
15. I conclude that the amount of development proposed would harm highway safety. It would therefore conflict with Policy DEV29 of the Joint Local Plan which requires amongst other things, that development proposals provide safe and satisfactory traffic movement and sufficient provision of car parking to ensure safety of the highway network.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

Inspector