



Appeal Decision

Site visit made on 9 March 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/N1160/W/19/3241884

2 Wain Park, Plymouth PL7 2HU

- 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 & Mrs Andrew Stephenson against the decision of Plymouth City Council.
 - The application Ref 19/00945/FUL, dated 7 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is proposed new detached garage with storage and annexe to first floor to front elevation of existing dwelling, to replace existing garage to be converted into internal accommodation. New lean to roof to rear extension with raised timber decking.
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Decision

1. The appeal is dismissed insofar as it relates to the garage and annexe to first floor. The appeal is allowed and planning permission is granted for the new lean to roof to rear extension with raised timber decking at 2 Wain Park, Plymouth, PL7 2HU, in accordance with the terms of the application, Ref 19/00945/FUL, dated 7 June 2019, so far as relevant to that part of the development hereby permitted and 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 so far as relevant to that part of the development hereby permitted:
 - Existing site location plan, Ref 01, dated May 2019
 - Proposed site location plans, Ref 05, dated May 2019
 - Proposed site plan, ground and first floor, Ref 06, dated May 2019
 - Proposed elevations, Ref 07, dated May 2019
 - Proposed elevations, Ref 08, dated May 2019

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the impact of the proposal on nearby trees.

Reasons

Character and appearance

3. The appeal dwelling is a large two storey detached house which is situated within a cul-de-sac of largely detached two storey dwellings. There is a wide degree of variation within the surrounding area in terms of building form,

appearance and construction materials, although the proportions and siting within generous plots appears to be relatively consistent. Although the front building line is varied, all dwellings have front gardens set behind a boundary wall which are generally open other than for driveways, some of which are sloping in response to the varied topography of the area.

4. The appeal proposal would introduce a large detached garage almost directly behind the front boundary wall and would include first floor accommodation within a hipped roof. Its width would span a large proportion of the width of the frontage. Due to its scale, siting and massing, it would form a bulky, imposing and incongruous addition within the street scene. The reduction in the site levels to minimise its overall height would not sufficiently diminish its incongruity when seen in the context of largely open fronted gardens.
5. Though the garage would be seen in the context of a high timber boarded boundary fence and large trees, these would not sufficiently mitigate its impact on the streetscene. There may be some merit in the use of timber boarding in order to seek some degree of consistency of materials, but in this case, the use of timber for the walls and a slate hipped roof, combined with its siting as a foreground element within the streetscene, would emphasise its degree of difference with the other buildings and built elements.
6. I note that there are garages within the front gardens of a number of neighbouring dwellings. Those that have been highlighted are largely adjoining the dwellings themselves and have only a modest degree of forward projection in relation thereto. One of these examples (at No 6) is also set largely below street level and its shallow height assists in minimising its prominence within the street scene. Elsewhere, the use of coloured timber-effect boarding has introduced a further variation in the palette of materials typically found in the area. However, the dwellings in which this material is used are of a scale, form and layout that responds more appropriately to neighbouring dwellings and is not particularly harmful.
7. In conclusion, the proposal would have a harmful effect on the character and appearance of the area, contrary to Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (JLP) (adopted 2019). This Policy, amongst other things, seeks to ensure that new development has proper regard to the pattern of local development, the wider context and surroundings in terms of style, siting, layout, massing, height, density and materials. The proposal would also fail to adhere to guidance in the Development Guidelines Supplementary Planning Document First Review (adopted 2013), which seeks to resist garages in front gardens where they would be prominent and would detract from the street-scene.

Impact on trees

8. From the plans, it appears that the appeal proposal would introduce a retaining wall with fence above along the northern boundary in place of the existing fence. Behind the fence in the neighbour's garden, there are a number of large trees. There is also a mature tree within the appeal site which would be retained as part of the proposal.
9. The appeal was not submitted with an arboricultural survey and so the reason for refusal was based on the potential impacts on tree root systems beneath the site, which it is logical to assume would exist in such a location. The

appellants have dug a trench a short distance from the northern boundary to ascertain whether large tree roots above 25mm diameter are in fact present.

10. Whilst there were no tree roots above 25mm in diameter within the trench, it appears to have been dug a distance from the location of the intended retaining wall. The proposed site plan appears to show the retaining wall and new fence forming part of the adapted northern boundary, not a distance away as suggested by the appellants. The potential for the use of a condition to fix the location of the retaining wall would lead to discrepancies with the plans for the scheme before me, and in any case, there is an indication that the services need to be located between the northern boundary and end wall of the garage.
11. For the above reasons, and in the absence of evidence to the contrary, the proposal would result in the loss or deterioration of trees, contrary to JLP Policy DEV28. This Policy seeks to ensure that development is designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows.

Other Matters

12. In terms of the rear extension and raised decking, they would be acceptable in the context of the character and appearance of the host dwelling and wider area. They would not cause any harmful effects on the living conditions of neighbouring occupiers. The Council does not raise any issue with these elements and I have no reason to disagree. As such, these elements are compliant with the relevant policies of the JLP, and in particular Policy DEV20.
13. I note that the rear garden boundary of the appeal dwelling adjoins the Plympton St Maurice Conservation Area (CA). Given the intervening separation distance and the nature of the proposal, the setting of the CA will not be affected. Notwithstanding my findings of harm to the character and appearance of the area, the proposal would have a neutral effect, and would thus preserve the character and appearance of the CA.
14. The appellants highlight that the garage offers an opportunity to remove some of the cars from the external area in front of the dwelling. Whilst this could lend to the frontage having a tidier appearance, the use of the driveway for the parking of vehicles is not uncommon and does not result in any particular visual harm to the area. This would also appear to be a limited benefit when considering the overall scale of the building, the uppermost parts of which would not be used for such storage purposes.
15. I note that the neighbouring occupiers did not raise any objection to the proposal. However, this is not a consideration of sufficient materiality to outweigh the identified harm and associated policy conflict.

Conditions

16. In addition to the statutory time limit, it is necessary to condition the approved plans so far as relevant to the part of the development to be approved in the interests of certainty.
17. I have had regard to the other conditions offered by the appellants in relation to the garage element of the proposal. Whilst they may meet the tests for conditions set out in the National Planning Policy Framework, they would not make an otherwise unacceptable development acceptable.

Conclusion

18. For the reasons given above, I conclude that the appeal should succeed in relation to the rear extension and raised decking. However, in relation to the garage and annexe, the appeal should be dismissed.

Hollie Nicholls

INSPECTOR