



Appeal Decision

Site visit made on 10 March 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2020

Appeal Ref: APP/N1160/D/20/3244634

66 Gifford Terrace Road, Plymouth, PL3 4JE

- 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 Mrs J Scrope-Shrapnel against the decision of Plymouth City Council.
 - The application Ref 19/01369/FUL, dated 23 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is a two storey rear extension and terrace.
-

Decision

1. The appeal is allowed and planning permission is granted for a part single and part two storey rear extension and terrace at 66 Gifford Terrace Road in accordance with the terms of the application, Ref 19/01369/FUL, dated 23 August 2019, subject to the attached Schedule of Conditions.

Procedural matters

2. During its consideration by the Council the application was amended to provide for a less extensive extension than that originally applied for. Section F of the Appeal Form confirms that the description of the development has changed from that stated on the application form and reflects that used in the Council's decision notice and the development shown on the drawings that were before the Council when it made its decision. I have determined the appeal on the same basis and therefore used that description of development in my formal decision as it more accurately describes the development.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area.
 - The living conditions of the occupants of neighbouring properties, particularly regarding privacy and outlook.

Reasons

Character and appearance

4. No 66 Gifford Terrace Road (GTR) forms part of a substantial elevated terrace of properties, ground levels fall away steeply from front to back, below which are the rear gardens of properties on St Gabriel's Avenue (StGA). The space between the outriggers of houses on GTR and back gardens of StGA is wide,

including a service road, long gardens, yards and additions such as garaging. In the context of the resultant gap the two and three storey rear outriggers project a similar distance from each property on GTR giving a broadly uniform character to the rear of the terrace, albeit on closer view the appearance of each differs greatly with further additions of differing height and size including extensions and raised terraces on several properties. The wide distance between GTR and STGA and relatively uniform appearance of GTR positively contribute to the character and appearance of the area.

5. The development proposed would be built on the existing raised grass area, below which the patio to the rear of the property would remain. The development would extend the projection beyond the rear of neighbouring properties, be visible from the service road and dwellings in StGA yet the actual footprint would be relatively small in the context of the open space between GTR and StGA. The addition may be larger than others to the rear of properties on GTR, however that in itself would not cause harm to the streetscene when considered in the wider context of an open feel being maintained. The height of the development would be similar to several other alterations to the rears on GTR and not out of character with the established context. Similarly, the use of raised terracing appears relatively common at the rear of GTR at the proposed height or above. Consequently, the development would not harm the character and appearance of the area.
6. The development would therefore accord with the Plymouth and South West Devon Joint Local Plan 2014-2034, 2019, (Local Plan), Policy DEV20 particularly criterion 2, which seeks to ensure development has regard to the wider development context and surroundings, in terms of, amongst other things, visual impact, scale and massing. The development also accords with Paragraph 130 of the National Planning Policy Framework 2019 given the effects of its design.

Living conditions

7. There are currently clear views between rear windows and outside areas of GTR to neighbouring properties, the service road, rear gardens of StGA and vice versa. This is more pronounced to and from StGA given the abundance of raised rear decking to the rear of StGA properties. The distance between the rear of GTR properties and windows opposite in StGA is such that there are not clear views into habitable rooms from the appeal property.
8. The current grassed area of No 66 has a fence and substantial boundary wall, which at its highest point rises approximately to the existing lower ground floor study window of the appeal property, providing an enclosed feel to the garden of No 64. Given the aspect of the rear of GTR there is limited direct sunlight to properties and gardens, albeit good daylight is afforded given the openness.
9. The plans do not indicate that the development requires a substantial underbuild structure which would be any different in size and massing than that which is there already. The gap between the new structure and the boundary line with No 64 is such that the occupant's outlook from rear windows of No 64 would largely be unaffected given their current positioning and size. Only the corners of the extension would be noticeable when viewed directly from the window and the extension would be even less likely to be seen when farther in the room during day to day use. The appellant's proposals for rendering to match existing would minimise any visual intrusion. As such it

would not appear overbearing from inside No 64. The garden at No 64 is already enclosed by the tall boundary wall and is therefore unaffected. The development would not have a harmful effect on existing sunlight or daylight given the existing aspect and openness of GTR.

10. The proposed terrace would be set back from the furthest projection of the undercroft, consequently there would be very little difference in the resultant levels of privacy or outlook felt by those in StGA as they are already significantly overlooked at distance by GTR. Overlooking of windows, parts of gardens closest to the development and the properties either side from the snug and terrace would be avoided by obscured glazing in the snug and along either flank side of the terrace, which the appellant has proposed in place of open balustrades and which could be secured by way of a condition. The positioning of the undercroft, coupled with the existing boundary wall with No 68 would be such that it would not create any loss of neighbours' privacy or outlook.
11. The development, with the appropriate conditions applied, would conform with Local Plan Policy Dev1 which amongst other criteria ensures new developments safeguard the health and amenity of local communities, including amongst other things satisfactory privacy, daylight, sunlight and outlook.
12. By avoiding an adverse effect on neighbours' privacy or an overbearing effect the development would also avoid conflict with the Council's adopted Development Guidelines Supplementary Planning Document First review, 2013.

Other matters

13. Representation relating to increased noise from the use of the terrace has been made. Although the terrace would be elevated it would be unlikely to be materially more harmful than any noise associated with the current grassed area on which the proposed development sits.
14. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area. In any event I have dealt with the appeal on its own merits and in light of its particular context.
15. Reference has been made to the effect the development may have on private rights to light. However, I see no reason why allowing this appeal would negate or supersede any civil rights. Accordingly, this matter has not had any bearing on my assessment of the planning issues in this appeal.

Conditions

16. In the interests of certainty it is necessary to require that the development be carried out in accordance with the approved drawing. In order to maintain the area's character and appearance it is necessary to require materials to match the existing building. To protect neighbours' living conditions it is necessary to require that obscure glazing is used in the proposed flank window and door and screens to the terrace as well as preventing any additional windows being installed.

Conclusion

17. For the reasons above the appeal is allowed.

Matthew Scriven

INSPECTOR

Schedule of 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 approved plan J201-02 Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) 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 flank elevations of the extension hereby permitted facing Nos 64 and 68 Gifford Terrace Road.
- 5) The extension hereby permitted shall not be occupied until the window of the snug has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) The terrace area of the extension hereby permitted shall not be occupied until obscured glazed screens have been installed along the sides of the terrace in accordance with a scheme detailing the height, extent, situation and type of obscured glazing which has first been submitted to and approved in writing by the local planning authority. Once installed the obscured glazed screens shall be retained thereafter.

**** End of Schedule ****