
Appeal Decision

Site visit made on 18 May 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 21 May 2020

Appeal Ref: APP/N1160/W/20/3245406

72 Billacombe Road, Plymouth PL9 7EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Will Tall against the decision of Plymouth City Council.
 - The application Ref 19/01468/OUT, dated 11 September 2019, was refused by notice dated 11 December 2019.
 - The development proposed is described as outline permission for 2 x semi-detached dwellings with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of development to reflect that as provided within the Council's decision notice as this provides a concise and accurate description of the proposed development.
3. The original application was made in outline with all matters reserved. I have determined the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on trees and biodiversity at the appeal site; and,
 - The effect of the proposed parking arrangements on highway safety.

Reasons

Character and Appearance

5. The appeal site is located within a residential area and comprises a detached dwelling set within a generous plot which slopes uphill from south to north. The current dwelling is set back significantly from the highway, providing a spacious front garden and external amenity area. The appeal site is in a prominent location, elevated above the level of Billacombe Road.

6. The dwellings located within this section of Billacombe Road exhibit a variety of designs and styles, comprising a mixture of detached and semi-detached dwellings which are predominately single or two storey in height. However, the residential dwellings near to the appeal site are all consistent in terms of their significant set back from the highway which results in a clear building line with only single storey garages and ancillary buildings appearing to be present between the respective dwellings and the highway.
7. The proposal would sub-divide the plot and introduce two dwellings within the front garden area. Whilst it is acknowledged that the proposal is in outline, the indicative plans indicate that the proposed units would be located almost adjacent to the highway to the front of the appeal property. Consequently, the proposal would not respect the established clear building line described above and would not reflect the pattern of development within this section of Billacombe Road, which is characterised by dwellings being set back significantly from the highway behind generous front gardens.
8. In my view, given that the scheme would not reflect or respect the established nearby pattern of development, the appeal proposal would appear as an incongruous addition to the street scene. By reason of the appeal site's prominent position elevated above the highway, the appeal scheme would be a dominant feature which would draw the eye. Whilst I acknowledge that the appeal proposal is in outline and that design matters such as the overall height of the proposed units and their set back from the highway could be altered, the proposal would still fail to respect the generous set back and established building line that is characteristic of this part of Billacombe Road. Additional planting and landscaping could not satisfactorily mitigate the scheme's harmful impact.
9. For the above reasons, the appeal scheme would, in my view, be harmful to the established character and appearance of the area. The proposed development would therefore be contrary to Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034¹ (the JLP) which, amongst other things, seeks to ensure that new development has proper regard to the pattern of local development.
10. Furthermore, the proposal would conflict with criterion 6 of Policy DEV10 of the JLP which seeks to ensure that garden development does not adversely affect the character of the area. This policy is in general accordance with paragraph 70 of the National Planning Policy Framework with regard to setting out policies to resist inappropriate development on garden land. The proposal would also fail to adhere to guidance in the Development Guidelines Supplementary Planning Document First Review (the DGSPD), which requires that development respects the local built context.
11. Policy DEV1 of the JLP is also cited by the Council in their reason for refusal on grounds of harmful impact on the character and appearance of the area. However, this policy concerns living conditions and access to public open space. Accordingly, no assessment of the proposal in terms of its effect on the character and appearance of the area in the context of this policy, is required.

¹ Adopted March 2019

Trees and Biodiversity

12. Policy DEV28 of the JLP provides that development should be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows. If the loss of trees, woodlands or hedgerows cannot be avoided, new native and locally appropriate trees and hedgerows will be secured as mitigation to ensure they contribute to a net gain. Mitigation should be delivered on site, but if this is not achievable, offsite compensation will be required to provide a net gain in canopy cover in line with local standards.
13. There are a substantial number of trees located within the front garden area at the appeal property. Whilst it is acknowledged that the proposal is in outline, the illustrative plans indicate that a majority of the trees in this front garden area would be lost as a result of the appeal scheme. While the Appellant has indicated that some of the trees could be retained through careful consideration of final layout of the scheme, in my view, by reasons of the constraints of the appeal site, it is likely that a significant proportion of the trees on site would be lost irrespective of the position of the proposed dwellings at the site.
14. There is no information or evidence before me which demonstrates that new native or locally appropriate trees will be planted at the site or that any form of off-site contribution would be made to provide a net gain in canopy cover as required under Policy DEV28 of the JLP. Consequently, the proposal would be in conflict with the provisions of this policy.
15. Policy DEV26 of the JLP is also cited by the Council in their reason for refusal. This policy concerns matters of biodiversity and geological conservation. An Ecological Mitigation and Enhancement Strategy (the EMES) has been submitted by the Appellant which concludes that whilst there would be some habitat loss, it would be of low value and would be mitigated by provision of bird and bat boxes within the design of the proposed units. The evidence before me indicates that the Council's Natural Infrastructure Team reviewed the EMES and raised no objections in relation to the biodiversity mitigation and enhancements put forward by the Appellant. In this regard and based on the evidence before me, I am satisfied that the proposal would accord with criterion 6 of Policy DEV26 of the JLP.
16. Further to the above, it is noted that the Council Officer's report indicates that a Habitats Regulation Assessment has been conducted which concludes that the proposal would not have an adverse effect on the integrity of designated sites. Whilst this is an important issue, I have not found it necessary to examine this matter in greater detail as, for the reasons outlined above and below, it does not alter my overall conclusion in relation to this appeal.

Highway Safety

17. Policy DEV29 of the JLP requires that development proposals should, amongst other matters, ensure sufficient provision of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network. In this regard, the Parking Standards Chapter within the DGSPD provides that for residential development which includes two or more bedrooms, the maximum standard is for two parking spaces.

18. It has been put to me by the Council that the constraints of the appeal site are such that the proposed units would not be able to provide sufficient space for two cars per proposed dwelling, with the consequence that cars would be parked on the road which would damage amenity and would have harmful impact on the free flow of traffic.
19. The section of highway adjacent to the appeal site has no restrictions in terms of on street parking, and as I observed on my site visit a number of cars and other vehicles were parked on the highway close to the site. There is no evidence before me that this area suffers from parking stress, and I noted on my site visit that whilst some space had been taken up, there was sufficient capacity for additional vehicles to be parked close to the appeal site. In my view, the cars and vehicles which were parked close to the appeal site and on the highway did not adversely affect the free flow of traffic along this section of Billacombe Road, nor impeded the safe use of the highway by other road users or pedestrians.
20. The appeal scheme is in outline and consequently the layout and design of the proposed units could be adjusted to provide for additional off street parking at the reserved matters stage. Furthermore, whilst the appeal proposal would not necessarily accord with the guidance within the DGSPD, the site is located close to services and facilities such that occupants of the proposed dwellings may not necessarily require two off street parking spaces per dwelling. The additional numbers of cars that may be parked on the highway as a result of the proposal would not be significant and would not, in my view, be likely to adversely affect the free flow of traffic or have a harmful impact in terms of highway safety.
21. For the above reasons, the appeal scheme would not result in damage to amenity, nor would have an adverse impact on highway safety. I therefore conclude that the proposal could provide adequate parking provision and, consequently, it has been demonstrated that the proposal would accord with the provisions of Policy DEV29 of the JLP.

Other Matters

22. The Appellant has referred me to other development within the surrounding area and specifically development at Saltram Meadow near to the appeal site which it is maintained are prominent within an area which is not particularly sensitive. In this regard, I have not been provided with any details of the circumstances which resulted in those developments being approved. In any case, I have determined this appeal on its own merits.
23. The Appellant has drawn my attention to alleged incidences of vandalism and littering in the locality. Whilst I have not been provided with any detail of specific instances of vandalism or littering, I recognise that the proposed dwellings would provide some degree of additional natural surveillance.
24. The proposed scheme would also provide some social benefits in terms of a contribution of two units towards housing supply, with the appeal site being located close to a range of services and facilities. Furthermore, very limited economic benefits would result from the proposal by reason of employment opportunities during the construction phase. While I acknowledge that the scope of these benefits would be limited given the scale of the proposal, they are materially positive.

Conclusions

25. Although I find no harm arises in terms of highway safety and the free flow of traffic, I have found that the proposal would have a harmful impact on trees and would have an adverse effect in terms of the scheme's impact on the character and appearance of the surrounding area. Whilst I acknowledge that the proposal would provide some very limited social and economic benefits, for the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan.
26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR