

Appeal Decision

Site visit made on 3 September 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/N1160/W/20/3254957

Kelly Cottages, Boringdon Road, Turnchapel, Plymouth PL9 9TN

- 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 P Downs against the decision of Plymouth City Council.
 - The application Ref 20/00532/FUL, dated 9 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is change of use of nos. 1-2 from single dwelling to 2x dwellings inc. demolition of front extensions on nos. 1 & 3 and creation of front Juliette balconies and dormer windows on all properties.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of nos. 1-2 from single dwelling to 2x dwellings inc. demolition of front extensions on nos. 1 & 3 and creation of front Juliette balconies and dormer windows on all properties at Kelly Cottages, Boringdon Road, Turnchapel, Plymouth, PL9 9TN, in accordance with the terms of the application, Ref 20/00532/FUL, dated 9 April 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's decision notice refers to two Supplementary Planning Documents (SPDs). Since the appeal application was determined, the 2013 SPD First Review has been superseded by the Plymouth and South West Devon Supplementary Planning Document 2020 (SPD) which was adopted by the Council on 22 June 2020. Accordingly, I attach full weight to the newly adopted SPD.
3. On my site visit, I noticed that the front extensions from Nos 1 and 3 Kelly Cottages had been demolished.

Main Issue

4. The main issue is whether the appeal proposal would prejudice highway safety or interfere with the free flow of traffic on the public highway.

Reasons

5. The site is located within the settlement of Turnchapel, adjacent to the Mount Batten peninsula on the outskirts of the city. The site also lies within the Turnchapel Conservation Area (CA). The historic nature of the area is apparent from its narrow streets and high-density, traditional terraced housing with limited off-road parking.

6. Under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (LBCA Act), I am required to pay special attention to the desirability of preserving or enhancing the CA's character or appearance.
7. The appeal proposal relates to the subdivision of two dwellings (one comprising a single bedroom, the other with six bedrooms) to three dwellings, each with two bedrooms. It is accepted by the Council that the appeal buildings were previously three dwellings, though there is no record in the planning history to indicate when Nos 1 and 2 were amalgamated into a single dwelling.
8. Neither of the existing dwellings benefit from any dedicated off-road parking and nor would the proposal provide any. There is a Controlled Parking Zone scheme (CPZ) in operation 24 hours a day, 7 days a week within some local streets, for which only eligible residents can receive parking permits.
9. Policies DEV1 and DEV29 of the Plymouth and South West Devon Joint Local Plan (adopted 2018) (JLP) require, amongst other things, that new development ensures sufficient provision and management of car parking to safeguard the health and amenity of local communities and ensure the safety of the highway network.
10. The SPD states that the requirement to provide car parking shall be applied to new residential development, including residential conversions. Table 30 of the same sets out that two bedroom dwellings shall each require 2 parking spaces. One bedroom dwellings require one space and four bedroom dwellings require three spaces. Despite the absence of a specific figure, it is assumed that any dwelling with greater than four bedrooms would also attract a requirement of three spaces, as a minimum.
11. Considered against the current SPD requirements, the current configuration of two dwellings, one with a single bedroom and the other with six bedrooms, attracts a requirement of four parking spaces. The proposed configuration of three cottages, each with two bedrooms, would attract a provision of six spaces despite the overall reduction in bedroom numbers. The proposal would therefore increase the deficit by two additional parking spaces.
12. There is limited evidence to suggest that the existing parking demands create any particular highway obstructions or harm to amenity. Nor has there been any particular prejudice to highway safety given the absence of accident data. This suggests that existing residents are cognisant of the walkability of the neighbourhood, the parking constraints, including CPZ, and, where relevant, opt to park vehicles accordingly.
13. Nonetheless, in numerical terms, the proposal would result in an increased density of housing and would generate a greater demand for parking. In this context, the proposal conflicts with the provisions of the JLP, in particular Policies DEV1 and DEV29. It also fails to accord with the guidance within the SPD in relation to the provision of residential parking.

Other Matters

14. The Council indicates that it can currently demonstrate a five year supply of housing land, although this does not present an upper limit or a bar to providing additional housing.

15. Notwithstanding the existence of some small visitor car parks nearby, there is a tension between the limited parking capacity offered by the historic, tight-knit built form of the area and modern-day levels of car ownership. This general lack of parking, the physical constraints on car access and degree of connectivity via public transport will be apparent to future occupiers and the desirability of the dwellings may be more limited for these reasons.
16. The accessibility of Turnchapel may be more constrained than other areas of the city, and its narrow streets, sometimes steep and unlit, may be less practical for some walking journeys. However, there is a shop within approximately 1km. There are also ferry and bus services which connect the area to the city centre without excessive journey times. The proposal would not alter the accessibility credentials of the area but a small contribution of new residents could assist with increasing patronage on existing services and demand for enhanced connectivity.
17. The division of the dwellings as proposed would reintroduce the third dwelling into the historic terrace and would result in improvements to the character and appearance of the buildings, and wider CA. These enhancements would result from the removal of the front extensions, sympathetic modernisations to the dwellings, particularly on the principal elevations, and through the decluttering of the frontage which would become a communal space.
18. The proposal is also adjacent to a Grade II listed building, 'Mansion House' (No 1 Boringdon Terrace), the significance of which relates to its early C19 age, its form, historic fabric and specified features of architectural interest, including its tall three-bay parapet wall, columns and architraves.
19. The proposal would result in minor enhancements to the character and appearance of the buildings and the surrounding area which forms part of the setting of Mansion House. Considered under Section 66(1) of the LBCA Act, the proposal would also therefore preserve the setting of the listed building.

Planning balance and conclusion

20. There would be a modest increased demand for parking arising from the proposal with resultant conflict with the Development Plan. This is considered in context with the site's surroundings and wider accessibility, and the limited evidence of prejudicial effects on highway safety or interruption to traffic flow which the proposal would unacceptably exacerbate.
21. The proposal would reintroduce a dwelling within a historic terrace, providing a greater efficiency of use of the existing housing stock at a scale which can be accommodated within the area. The proposal would also revitalise the appearance of the appeal buildings and their frontage, with resultant minor enhancements to the character and appearance of the CA.
22. Taken together, these amount to considerations that indicate that a decision should be taken other than in accordance with the Development Plan and SPD.
23. For the reasons set out above, the appeal is allowed.

Conditions

24. In addition to the statutory time limit, it is necessary to list the approved plans in the interests of certainty.
25. In the interests of the character and appearance of the area, a condition requiring details of materials for the dormer windows and Juliet balconies is necessary.
26. In the interests of the privacy of neighbouring occupiers, it is necessary to impose a condition requiring the rear dormer windows to be obscure glazed. For similar reasons and due to the high density characteristics of the area, the circumstances are considered sufficiently exceptional to justify the inclusion of a condition preventing further enlargements and roof alterations through the utilisation of permitted development rights. Also, the requirement to provide fences in front of the ground floor windows should be conditioned to ensure the protection of the privacy of future occupiers.
27. Policy DEV26 of the JLP indicates that enhancements for wildlife will be sought from all scales of development within the built environment. For this reason, the conditions requiring the inclusion of bird boxes and hedgehog holes is considered reasonable.
28. Whilst the Council has suggested that an informative should be added to highlight the ineligibility of future residents for CPZ permits, this cannot be used instead of a planning condition and the Council has alternative means to advise about its decision on receipt of any separate applications of this nature.

Hollie Nicholls

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 following approved plans:
 - Site Location Plan dated 09/01/2020
 - Block/Site Plan dated 09/01/2020
 - As Proposed – Plan Ref 2968-2 Rev B dated Jan 2020
- 3) Prior to their installation, full details of the materials to be used in the Juliet balconies and dormer windows hereby approved shall be provided in writing to, and approved by, the Local Planning Authority. The development shall take place in accordance with the approved details.
- 4) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 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), the second floor rear elevation dormer windows shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5 of the Pilkington Glass Privacy Levels) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 5) Prior to first occupation of any of the dwellings hereby approved, two bird boxes shall be installed on the fabric of the buildings.
- 6) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 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 enlargements, improvements or other alterations, including to the roof, shall be made to the dwellings hereby approved.
- 7) Prior to the occupation of the dwelling hereby approved, the fences and gates shown on the approved 'Site/Block Plan' shall be erected and shall be retained at all times thereafter. The fencing shall contain hedgehog holes at ground level to promote biodiversity within the site.