
Appeal Decision

Site visit made on 16 September 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/N1160/W/20/3253648

21 Mutley Road, Plymouth PL3 4SB

- 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 N Bishop against the decision of Plymouth City Council.
 - The application Ref 19/01646/PIP, dated 21 March 2019, was refused by notice dated 6 December 2019.
 - The development proposed is to construct a terrace of 4 houses, widen road and provide pavement.
-

Decision

1. The appeal is allowed and permission in principle is granted to construct a terrace of 4 houses, widen road and provide pavement at 21 Mutley Road, Plymouth PL3 4SB in accordance with the terms of the application, Ref 19/01646/PIP, dated 21 March 2019.

Procedural Matter

2. The Planning Practice Guidance (the PPG) explains that the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for development, from the technical detail. This consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (technical details consent) stage, is when the detailed development proposals are assessed. This appeal relates to an application under the first stage.
3. An applicant can apply for permission in principle (PiP) for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, PiP has been sought for the erection of a maximum of four dwellings. The PPG advises that applicants may volunteer additional information to support decision-making, in particular, to give more certainty about how many dwellings the site is capable of supporting, and whether mitigation of likely impacts is possible. The application was accompanied by an arboricultural statement, tree constraint plans and tree impact assessment, together with indicative site layouts to show how a terrace of four houses could be accommodated on the site. I have had regard to this information in reaching my decision.

Main Issue

4. The main issue is whether the principle of the proposed development, including its effect on protected trees, would preserve or enhance the character or appearance of the Mannamead Conservation Area (the CA).

Reasons

5. The CA largely comprises of quiet residential streets, which are bisected by the busier Mannamead Road that runs through it from north to south. There are three distinct character areas within the CA; the regularly arranged substantial semi-detached and terraced buildings that front Mannamead Road; the informal layout of large detached villas to the east; and the straight terraces of houses arranged around parkland to the west. Despite the differences in scale and layout, the buildings in the three areas share the fine architectural detailing of the period, which gives the CA a distinctive and cohesive character. The CA is also characterised by a high level of tree cover; in the large gardens to the east; within the Mannamead Road frontages; and in the parks and on the streets of the terraced properties to the west. The significance of the CA is derived from these unifying features.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The appeal site lies on the western edge of the CA, adjacent to, and opposite terraced housing, which lies outside it. The semi-detached houses that border the site to the east are within the CA, but do not display the period architectural detailing that is typical of it. Consequently, the site is somewhat detached from the historic buildings that contribute to the significance of the CA. It does, though, contain a number of trees, so contributes to the verdant character of the CA. However, the extent of this contribution is reduced by the form of many of the trees, which have been lopped to reduce the impact on neighbouring properties, or poorly managed. There are, however, two large trees that make a positive contribution to the wider area, due to their size, form and wide-ranging visibility. These are a lime and a sycamore, which are the subject of a Tree Preservation Order.
8. Aside from these two trees, the site does not make a positive contribution to the street scene. Viewed through the access, the electricity substation and the featureless gable end of No 21, are unattractive features. There is also a range of outbuildings and outside storage, which gives the site a rather run-down appearance. These features are only partly hidden by the overgrown roadside wall and hedge, which also contribute to the unkempt appearance of the site. Overall, therefore, the contribution that the site makes to the significance of the wider CA is limited to the positive impact of the two large trees.
9. The site is surrounded by established residential development, and lies within easy reach of services and facilities by walking, cycling or public transport. Paragraph 68 of the National Planning Policy Framework (the Framework) says great weight should be given to the benefits of using suitable sites within existing settlements for homes. However, paragraph 70 says plans should consider the case for setting out policies to resist inappropriate development of residential gardens. Policy DEV10 of the Plymouth & South West Devon Joint Local Plan (2014-2034) (the Local Plan) seeks to avoid "town cramming" by

only permitting development of gardens where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods.

10. The area immediately around the appeal site is characterised by high density terraced housing. The indicative plans submitted with the application show how four houses could be accommodated on the site as a continuation of the existing terrace, with the same front and rear building lines. Based on this layout, the houses would be a similar width to those in the adjoining terrace, and would have rear gardens of a comparable size. The proposed houses would, therefore, be in keeping with the scale and layout of the adjacent development, and consequently would not appear cramped. Such a layout could be secured through the Technical Details Consent (TDC) stage of the process.
11. The indicative layout also demonstrates the impact that this form of development would have on the existing trees on the site, together with the potential for new tree planting. The roadside boundary hedge/trees would be removed to allow access and parking for the houses. The protected lime tree and the beeches on the eastern boundary would be felled to allow space for the building, and a small suppressed hawthorn towards the rear of the site would also be removed. This would considerably reduce the amount of tree cover on the site.
12. However, much of this tree cover has a limited lifespan, regardless of the development. Permission to fell the lime tree was granted in February 2018, as it was found to be structurally compromised by a large open cavity in the stem base. Whilst this permission has lapsed, there is no evidence to suggest that the health of the tree has improved. The beech trees on the eastern boundary have already been lopped, and their size and proximity to the house to the east makes their long-term retention incompatible with the residential amenity of the occupants of that property. Previous planning permissions for development of the site included the removal of most of these trees. The roadside hedge/trees overhang the road to a significant extent, and it is likely that some management will be necessary as they continue to grow. Consequently, the existing tree cover on the site is unlikely to be viable, in its current form, in the longer term.
13. The indicative plans show that all the trees on the southern boundary, including the large protected sycamore, could be retained. They also show that three additional trees and a new hedgerow could be planted on the southern and eastern boundaries. The planting of suitable species, and appropriate future management to ensure their long-term contribution to the character of the CA, could be secured at the TDC stage. Consequently, after some short-term impact, the southern and eastern boundaries of the site would, in the longer term, retain their verdant appearance, and provide a softening backdrop for the new houses.
14. The retained trees, and any new planting, on the southern boundary, would shade the rear gardens of the houses to some extent. However, the largest of the trees, the protected sycamore, has quite a loose canopy that would allow light to filter through. Whilst the gardens would be in shade at some times of the day, they would not be rendered unusable by the presence of the trees. Furthermore, based on the indicative scheme, the trees would be at a sufficient

- distance from the buildings to ensure their long-term compatibility. Therefore, provided suitable orientation of principal rooms is secured at the TDC stage, to ensure adequate light to the internal living accommodation, there would not be justified pressure for removal of the retained or new trees in the future.
15. Due to the sloping nature of the site, significant engineering works would be necessary to facilitate the construction of four houses on the site. However, the existing trees on the southern boundary are at a significantly higher level than the area shown for the buildings on the indicative plans, and a significant distance from the buildings. Nevertheless, the long-term retention of these trees is important to maintaining the character of the CA, therefore avoidance of construction damage to them is crucial. Consequently, it would need to be demonstrated, at the TDC stage, that a scheme of protection and construction management could be put in place to avoid any damage. The evidence does not indicate that, in-principle, this would be an insurmountable problem.
 16. The existing high roadside boundary hedge/trees are not characteristic of Mutley Road, or the western portion of the CA in general, where terraced houses are open to view behind low front boundary walls. The characteristic tree cover in this part of the CA is mainly provided in the parks, or on the streets. The indicative plans show that five street trees could be planted along the frontage of the site to mitigate the removal of the roadside boundary vegetation. This form of landscaping would be more characteristic of the wider CA, particularly of the terraced housing area to the west. Therefore, once established, the street trees would make a positive contribution to the significance of the CA.
 17. Overall, therefore, the indicative drawings show that the site could accommodate a terrace of four houses that would be similar in scale and layout to the adjoining terrace. Such a development would not appear out of character with its surroundings. The retained and replacement planting to the south would maintain a verdant backdrop to the buildings, and the replacement planting to the eastern boundary would be more compatible with the adjacent house, so could be maintained in the longer term. The street trees would be more characteristic of the CA than the existing boundary treatment. Therefore, whilst there would be some immediate reduction in tree cover, the retained and replacement planting would ensure that there would be no long-term harm to the character or appearance of the CA.
 18. My attention has been drawn to Plymouth's Plan for Trees, which seeks to ensure that trees in the urban area benefit present and future communities, are resilient to the challenges of climate change and disease, and are adaptable to future challenges. The sycamore would be retained, and the compromised lime and incompatible, poorly managed trees, would be replaced with appropriate on-site planting and street trees. This would ensure that the site maintains its contribution to the canopy cover and tree diversity of the city in the future, so would accord with the aims of the plan.
 19. On the main issue, therefore, I conclude that the principle of the proposed development, including its effect on protected trees, would not harm the character or appearance of the CA. The proposal would therefore accord with Policies DEV10, DEV20, DEV21, DEV23 and DEV 28 of the Local Plan. Taken together, these policies seek to prevent "town cramming", protect the quality

of the built environment and the special interest of heritage assets, conserve townscape and avoid the loss of trees.

Other Matters

20. I have had regard to the significant number of comments provided by local residents and third parties. Concerns have been raised regarding a number of other matters. These include the effect on the living conditions of neighbouring properties; noise and disturbance during construction works; and drainage. However, these are not matters which would fall within the scope of consideration for the first stage of the PiP consent route. These issues will need to be addressed as part of the TDC stage of the process.
21. Concerns have also been raised about the appearance of the street frontage of the development, and the suitability of the access and parking arrangements depicted on the indicative plans. However, whilst I have had regard to this indicative material in relation to the impact on the protected trees, these plans are not approved by the PiP, which only relates to location, land use and amount of development. Therefore, the appearance of the houses, and the number and arrangement of the parking spaces falls to be considered at the TDC stage.
22. Mutley Road is lightly trafficked, and vehicles travel at low speeds. Consequently, the traffic generated by a maximum of four dwellings would not lead to any material increase in highway danger or congestion. The safety and convenience of the detailed site access arrangements would be a consideration at the TDC stage.
23. Anecdotal evidence indicates that the site provides habitat for wildlife, including bats. It is not a requirement of a PiP application to provide an ecological appraisal. However, it will still be necessary, through the TDC stage, to demonstrate that there will be no harm to protected species, and to ensure that the development minimises the impacts on, and provides net gains for, biodiversity as advised by paragraph 170 of the Framework.

Conclusion

24. The PPG makes it clear that it is not possible for conditions to be attached to a grant of PiP, whose terms may only include the site location, the type and amount of development.
25. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR