



Appeal Decision

Site visit made on 13 October 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/N1160/D/20/3254858 130 Tavistock Road, Plymouth PL6 5EJ

- 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 Paul Bennetton against the decision of Plymouth City Council.
 - The application Ref 20/00048/FUL, dated 14 January 2020, was refused by notice dated 9 March 2020.
 - The development is erection of garage and store.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of garage and store at 130 Tavistock Road, Plymouth PL6 5EJ in accordance with the terms of the application Ref: 20/00048/FUL, dated 14 January 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall be in accordance with the following approved plans; Site Location Plan, Block Plan PB.1000.02 and Plans, Section and Elevations PB.1000.01 Rev E.
 - 2) 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 shall be inserted into the south-west (side) elevation of the development hereby permitted.
 - 3) The window on the south-east (rear) elevation shall be obscure glazed and no part of the window that is less than 1.7m above the internal floor level shall be capable of being opened. The window shall be retained in that form thereafter.
 - 4) The garage and store hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 130 Tavistock Road.

Procedural Matters

2. The original planning application was made on a part retrospective basis. The appeal has been considered on the same basis.
3. Since the Council determined the application, its 2013 Development Guidelines Supplementary Planning Document has been replaced by the 2020 Plymouth &

South West Devon Joint Local Plan Supplementary Planning Document (SPD).
The appeal has therefore been determined having regard to the 2020 guidance.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 128 Tavistock Road with particular reference to outlook.

Reasons

5. The appellant has erected a single storey garage and store in the rear garden which has a shallow mono-pitch roof form. The development appears to correspond with the proposed plans although at the time of the site visit the sedum roof covering had yet to be installed.
6. The south-west flank of the building runs alongside the boundary with 128 Tavistock Road and it projects to the end of both garden areas. The ground level of No 128 is lower than the appeal site and the land falls towards the south. Consequently and based on the Council's calculations, the height of the development above ground level on No 128's side of the boundary is 3.45m increasing to 3.9m at the rear. The significant height and mass of the building has a dominant and overbearing presence when viewed from the adjoining garden area of No 128.
7. The development is therefore detrimental to the living conditions of the occupiers of 128 Tavistock Road with particular reference to outlook. It conflicts with Policies DEV1 and DEV20 of the 2019 Plymouth & South West Devon Joint Local Plan which, amongst other things, seeks to ensure development represents a good standard of design in terms of its visual impact and provides a satisfactory outlook for existing residents. It also conflicts with paragraph 127 of the National Planning Policy Framework ('the Framework') which seeks to ensure developments provide a high standard of amenity. Furthermore, it conflicts with the Council's SPD which for garages, sets out that particular attention needs to be paid to the impact on neighbours' outlook.

Other Considerations

8. The appellant has the fallback of planning permission Ref: 19/01509/FUL. In the permitted scheme the roof of the store would be a slate covered dual pitched asymmetric form. Its eaves level alongside the boundary with No 128 would be lower than the appeal development but the ridge level would be higher. As a result, the bulk directly alongside the boundary would be less than the appeal scheme. However, the store's whole flank would be observable from across the neighbouring rear garden area of No 128, including the additional height up to the ridge. The difference between the two schemes would therefore be marginal in terms of visual impact and No 128's outlook.
9. As the Council acknowledge, in the approved scheme there would be a level of visual harm derived from the mix of roof forms between the garage and the store. In the appeal scheme, the continuity of the simple mono-pitch roof of the garage above the store is more visually attractive. There would also be visual and ecological benefits through extending the sedum roof of the garage above the store.

Planning Balance

10. As outlined above, the appeal scheme offers substantive positive benefits over the approved scheme. This material consideration is afforded significant weight and leads to a conclusion that the appeal should be determined other than in accordance with the development plan. It also outweighs the identified conflict with the Framework and the SPD.

Conclusion

11. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

Conditions

12. A condition which specifies the approved plans is imposed to ensure certainty. A condition which prevents the installation of any windows on the south-west (side) elevation of the development is imposed to protect the privacy of the occupiers of 128 Tavistock Road. A condition requiring the window in the south-east (rear) elevation to be obscure glazed and non-opening below a specified level and retained in that form is imposed to protect the privacy of residential occupiers on Smallack Drive and Grosvenor Road. A condition which restricts the use of the garage and store is imposed to ensure the use is appropriate for the approved design and location and to protect the amenity of neighbouring residential occupiers.

C J Ford

PLANNING DECISION OFFICER