



Appeal Decision

Site visit made on 17 May 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/N1160/D/21/3269554

55 Admiralty Street, Stonehouse, Plymouth PL1 3RY

- 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 & Mrs Callicott against the decision of Plymouth City Council.
 - The application Ref 20/01538/FUL, dated 6 October 2020, was refused by notice dated 3 December 2020.
 - The development proposed is first floor extension to rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension to rear of property at 55 Admiralty Street, Plymouth, PL1 3RY, in accordance with the terms of the application, Ref 20/01538/FUL, dated 6 October 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effects of the proposal on the character and appearance of the area, including whether it would conserve or enhance the character or appearance of Stonehouse Peninsula Conservation Area; and
 - the effects of the proposal on neighbouring occupiers at No 54A Admiralty Street, in respect of the adequacy of outdoor amenity space and overlooking.

Reasons

Character and appearance

3. The appeal property is an end-of-terrace two storey dwelling which effectively turns the corner on Admiralty Street. It has a single storey, flat roof element that extends in a westerly direction, on top of which there is an enclosed terrace, and set to the back is a small first floor extension with a flat roof which accommodates a bathroom. Though the terrace is enclosed by a high wooden fence of around 1.8 metres, domestic paraphernalia is still visible from the street above the fence line.
4. The proposal seeks to extend at first floor level, subsuming the existing first floor bathroom to incorporate the full extent of the enclosed terrace into a first floor extension, providing additional bedroom and bathroom space. The proposal would have a pitched roof with similar eaves and ridge height to the main house. Two new first floor windows would front Admiralty Street but the

- gable end would be blank. The materials of construction would match those of the host dwelling.
5. As the dwelling falls within the Stonehouse Peninsula Conservation Area (CA), I am required under Section 72(1) of the Listed Building and Conservation Areas Act 1990, to pay special regard to the desirability of preserving or enhancing the character or appearance of the CA.
 6. From details in the Stonehouse Peninsula Conservation Area Appraisal and Management Plan (CAAMP) (2007) and from my own assessment, the special qualities of the CA derive from its origins as a medieval settlement which grew into a suburb of Plymouth through maritime and naval-related urban expansion, indicated by the significant historical grouped buildings at Stonehouse Barracks and Royal William Yard. The CA includes other notable elements, such as Durnford Street, which has been described as Plymouth's most complete C18 street, but subsidiary streets such as Admiralty Street, also help to define its character. In relation to the appeal proposal, the significance of the CA is defined by its predominance of well-preserved terraced dwellings, with Durnford Street being the principal street and Admiralty and Cremyll Streets retaining the more modestly-scaled dwellings of mixed character.
 7. Whilst not solely attributable to the appeal site, the section of Admiralty Street fronted by the single storey wing of No 55 has the sense of being an unimportant side street and is not particularly aesthetically pleasing. The two storey section of No 55 that actually turns the corner is one of the features that actually contributes to the street scene in a positive way.
 8. Owing to its scale and siting, the addition of the extension above the existing single storey wing would provide a better definition to the street and remove some of the visual clutter associated with the fence and domestic paraphernalia viewed above it. Due to the extent of the rearward projection of the single storey element and staggered arrangement of the dwellings along Admiralty Street, there would be no material effect in terms of the altered rear building line. Whilst there would be a noticeable addition of bulk, it would not be excessive relative to the host dwelling. Nor could it be held to be a dominant feature given that it would be no higher than the existing Admiralty Street terrace, particularly when considered in the context of the imposing Stonehouse Barracks and larger block of flats at Nos 71 – 83 Durnford Street.
 9. Though the proposal would increase the number of bedrooms from three to four, with the smallest existing bedroom being repurposed to provide an office space, the reference in the Council's decision notice to an intensification of the use appears unwarranted. The dwelling is not being subdivided and nor would it be capable of being so, the increase in space for the occupiers would not lend to any noticeable change in the level of occupiers.
 10. For the reasons set out above, the proposal would not harm the character or appearance of the area or that of the CA, thus preserving its significance. Consequently, the proposal accords with, in particular, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (adopted 2019) (JLP) which seeks to ensure that development achieves good standards of design and has proper regard to the pattern of local development in terms of distinctiveness, scale, layout and orientation. Though not listed in the Council's decision notice, the proposal would also comply with JLP Policy DEV21, which gives great weight to the conservation of the area's designated heritage assets.

Effects on neighbouring occupiers

11. Given that the extension on the first floor terrace would remove all available outdoor space for the occupants of the host dwelling, the appellants purchased a section of garden to the rear of No 54A prior to the submission of the appeal application. This section of garden is beyond the rear return extension at No 54A and is at a raised level relative to the ground floor of the same.
12. The proposal seeks to provide a fence boundary between the garden to be enclosed for No 55 and that retained by No 54. Along with the extension at first floor level, the proposal also includes the provision of an obscure glazed bathroom window at first floor and a set of obscure glazed double doors in an existing section of wall to enable access to the new garden.
13. I consider that the unconventional arrangement of No 55's garden effectively wrapping around the rear return extension (two storey) and garden of No 54A would lend to overlooking, both direct and perceived. The distances and level differences between the extended garden of No 55 to both ground and first floor windows in No 54A are not sufficient to avoid harmful effects on the occupiers of No 54A.
14. The loss of the garden area associated with No 54A, whilst perhaps not used by the current occupier, would also be harmful. Though both the host dwelling and No 54A would each have around 32 sqm, and whilst this may be similar in size to gardens elsewhere along Admiralty Street, the situation would result in a compromise when compared to the size, useability and qualities of the existing amenity spaces.
15. My concerns are directed towards any future occupiers of No 54A, given that the current occupier is a relative of the appellants and would be less likely to mind the extent of overlooking or be prevented from using the garden area that would be lost, i.e. as a shared facility. The evidence points towards such an arrangement and an element of 'care'. However, I am required to consider both current and future occupiers equally.
16. Whilst the Council also indicates that there would be harm to other neighbouring occupiers of Admiralty Street from the insertion of the doors, given the existing degree of overlooking owing to the built-up nature of the area and variations in levels, I do not consider that there would be material harm in this regard. Similarly, the additional bulk from the first floor extension perceived from the neighbour's side would be modest, given the existence of the flat roof first floor extension on this shared boundary.
17. In view of this main issue, the proposal would be harmful to the occupiers of No 54A in terms of both the inadequacy of the retained garden space and the effects of the proposal in relation to overlooking. The proposal would therefore conflict with Policy DEV1 of the JLP which seeks to ensure that development safeguards the health and amenity of local communities through ensuring satisfactory outlook, privacy and protection from noise and disturbance.

Other Matters

18. The Council refer in a number of areas to the creation of precedents. It is a well-established principle that each case should be determined on its own merits. The appeal site is unique in the manner that it turns a corner and relates to neighbouring dwellings, physically and in terms of ownership. There

is little evidence to suggest that proposals of a similar nature would come forward if the appeal were allowed.

19. The insertion of the double door in the existing wall and construction of the fence to divide the gardens has been the subject of a recent Certificate for a Proposed Lawful Development¹ (CPLD), which confirms that these aspects are 'permitted development' under the GPDO². This effectively provides a 'fallback position' and is a new material consideration to which I attribute great weight. I return to this matter below.

Conditions

20. In addition to the statutory time limit, a condition is required to specify the approved plans in the interests of certainty. In the interests of the character and appearance of the area, a condition is necessary specifying that the materials shall match those used in the existing dwelling.
21. In the interests of the living conditions of neighbouring occupiers, conditions are required to ensure that the doors and window in the south elevation are provided with obscure glazing and maintained as such, and to preclude the insertion of any further openings in this elevation in the future. For similar reasons, a condition requiring the provision of the boundary division between the two gardens is necessary prior to the first use of the extension.

Planning balance and conclusion

22. The appeal proposal would preserve the character and appearance and thus, the significance of the CA.
23. There appears to me more than a reasonable likelihood of the fallback position being implemented. This indicates that the appeal proposal could cause no greater harm to the living conditions of neighbouring occupiers than that which could be implemented under the terms of the CLOPUD in any case. The appeal proposal could require the glazing to be obscure glazed to afford a greater degree of protection from overlooking when the units are closed.
24. As such, whilst there would be harm to the living conditions of neighbouring occupiers, which brings the proposal into conflict with not only JLP Policy DEV1, but into conflict with the development plan as a whole, the material considerations in this case indicate that a decision should be taken other than in strict accordance therewith.
25. For the reasons set out above, the appeal is allowed.

Hollie Nicholls

INSPECTOR

¹ Certificate of a Proposed Use or Development under Section 192 of the Town and Country Planning Act 1990 under reference 21/00066/PRDE dated 8 March 2021

² Town and Country Planning (General Permitted Development) Order 2015, as amended

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:
 - Existing site block plan & location plan, Ref 19.11 PL.03 Rev A, dated Nov 2020
 - Proposed elevations & floor plan, Ref 19.11 PL.02 Rev B, dated Nov 2020
- 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) The extension hereby permitted shall not be occupied until the windows and door in the south elevation have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before either the window or door are installed and once installed the obscured glazing shall be retained thereafter.
- 5) 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 or doors other than those expressly authorised by this permission shall be constructed on the south elevation.
- 6) Prior to occupation of the extension hereby permitted, the boundary fence detailed on plan Ref 19.11 PL.02 Rev B shall be constructed and shall thereafter be permanently retained.