



Appeal Decision

Site Visit made on 15 September 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/N1160/D/21/3277738

195 Plymstock Road, Oreston, Plymouth PL9 7LW

- 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 Keith White against the decision of Plymouth City Council.
 - The application Ref 21/00373/FUL, dated 23 February 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described as 'install canopy over existing patio'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'install canopy over existing patio' at 195 Plymstock Road, Oreston, Plymouth PL9 7LW in accordance with the terms of the application, Ref 21/00373/FUL, dated 23 February 2021, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block and Site Plan; First Floor Plan; Front Elevation; and Side Elevation.

Preliminary Matters

2. I noted on my site visit that the canopy structure had been erected but the polycarbonate roof had not been installed. The appeal proposal is therefore part retrospective. I have proceeded on this basis. I have also taken the postcode for the appeal site address from the Council's decision notice as this correctly identifies the site.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a three storey semi-detached dwelling, set back from and facing the street with a narrow parking area to the front. It is in a high density residential area comprised of a mix of dwelling types, sizes and designs with those opposite being tall and close up to the street. The canopy structure sits above an existing ground floor side extension and is set back from its frontage.
5. The structure is simple, light weight and utilises a material and finish similar to the appeal property's windows. It's set back position from the front of the appeal property also restricts its visibility on approach to the dwelling which

reduces its overall prominence in the street scene, as does its permeable, light weight and open-sided design. In longer distance views, such as those from Orchard Crescent, it is read as a relatively unobtrusive lean-to structure, subservient to the appeal property.

6. Taking the above into account in the context of the eclectic mix of architecture in the immediate area, I find that the development does not harm its character and appearance. This would ensure compliance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP) which seeks to ensure that new development is of a good standard of design such as to protect the quality of the built environment.

Other Matters

7. On the side elevation of the adjacent bungalow (183b) is an obscure glazed door and a window serving the kitchen. Given the size of this window and the height of the raised patio area on the appeal dwelling, any overlooking from the appeal scheme is at an oblique angle. The rear garden of the same property is largely obscured from view by the roof of its own garage.
8. With regards to 190 Plymstock Road and the neighbouring dwellings in the terrace, the appeal property has Juliet balconies at first and second floor level and therefore there is already a degree of mutual overlooking. The appeal proposal does not result in any greater degree of overlooking, given that it is set back into the site. As such, I do not find that overlooking occurs to such an extent as to be harmful to the living conditions of neighbouring occupiers through a loss of their privacy.
9. Residents have also put it to me that the use of the raised patio area is unauthorised. The Council have previously concluded on this matter and I find no reason to disagree with their findings.
10. Other matters raised include the content of a legal agreement and whether the structure is safe, but these factors are not relevant to the planning merits of the case, and therefore carry limited weight in my decision.

Conditions

11. I have not imposed the standard time condition since the development has commenced. I have set out the approved plans for clarity and enforceability and since the development has not been completed.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alison Fish

INSPECTOR