



Appeal Decision

Site Visit made on 9 November 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/N1160/D/21/3280242 36 Mount Tamar Close, Plymouth PL5 2AL

- 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 Mrs Elley Taylor against the decision of Plymouth City Council.
 - The application Ref 21/00885/FUL, dated 29 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed is described as proposed conversion of existing garden room into accommodation for an elderly relative.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and enlargement of existing garden room into two-storey garden room and playroom at 36 Mount Tamar Close, Plymouth PL5 2AL in accordance with the terms of the application, Ref 21/00885/FUL, dated 29 April 2021, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in July 2021. However, as the Framework's provisions that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
3. The description of development in the banner heading above has been taken from the application form. However, the appeal form includes different wording which reflects the description in the Council's decision notice. I have therefore used this revised description as it better captures the development's scope.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to 11 Rorkes Close.

Reasons

5. The appeal site shares a boundary with 11 Rorkes Close which, due to the sloping topography of the area, is situated on higher ground. The outbuilding the subject of the appeal – labelled as a garden room on the submitted plans – is positioned adjacent to the shared boundary. However, due to topography and with the outbuilding being single-storey, it sits below the existing boundary treatment, which is delineated by a relatively high wall and includes some fencing on top. I observed on my site visit that the property at No 11 is slightly set back from the shared boundary and is orientated so that its gable wall, which features no windows or other openings, faces the outbuilding. No 11's

garden also extends away from the outbuilding and beyond the site. In addition, although No 11 has a small area of side garden next to the outbuilding, I observed on my site visit that its patio/main sitting out area is located away from the outbuilding, on the other side of the plot from the boundary with the site.

6. Adding an additional storey to the outbuilding, the proposed development would extend above the wall on the shared boundary. However, it would have a relatively limited width, would not extend significantly above the wall and would be set slightly away from the boundary. Although it would present a blank elevation towards the plot of No 11, only a part of it would be visible above the boundary wall from No 11's garden, which is orientated away from the outbuilding. Accordingly, and given its limited scale, the proposed development would neither appear as an intrusive or dominant feature from No 11 nor result in an unacceptable loss of daylight. Given the orientation of No 11, with its blank gable wall roughly in line with and facing the outbuilding, the location of its patio and the layout and length of its garden, the main outlook of No 11 is also not towards the site or appeal proposal.
7. Although the extended outbuilding would have an additional floor, it seems to me that there is no reason why the extra space – shown to be a study on the submitted plans – would lead to a significant increase in noise compared to the existing situation. Although next to the shared boundary, the extended outbuilding would also continue to be detached while the relatively built-up nature of the surrounding area means that any additional noise arising from the appeal proposal would be unlikely to be particularly significant in relation to its context. In coming to this view, I have taken into account the proposed timber materials of the additional storey. With no windows or doors facing No 11, neither would it result in overlooking.
8. For the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers, with particular regard to 11 Rorkes Close. I therefore find that it accords with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP). Amongst other aspects, this requires development to safeguard the amenity of local communities including in relation to the provision of satisfactory daylight, outlook, privacy and protection from noise disturbance. The proposal would also be consistent with the provisions in the Framework in relation to achieving a high standard of amenity for existing users and the guidance in Appendix 1 (Residential extensions and alterations) of the JLP Supplementary Planning Document (2020) in relation to such matters.

Other matters

9. Concern has been raised by third parties that the proposed development could be used as separate living accommodation, and I note that the description of development in the application form refers to converting the outbuilding into accommodation for an elderly relative. However, the Council has described the appeal proposal as conversion and enlargement of existing garden room into two-storey garden room and playroom, and the submitted plans correspond with this. I have therefore determined the appeal on the basis that the proposal would provide additional accommodation ancillary to the residential use of the dwelling at 36 Mount Tamar Close. A planning condition can also be used to ensure that the proposed development is used in this manner.

10. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as: the current use of the outbuilding; the development's effect on the character and appearance of the area; loss of trees prior to the planning application being submitted and the effects on wildlife and the climate; other works that have occurred at the site; works on the proposed side elevation that may require access from No 11; party wall issues; parking; access for emergency vehicles; other developments in the locality; and emissions from the burning of solid fuels in the outbuilding. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some matters, such as in relation to party walls, are also dealt with separately and commonly covered by other legislation.

Conclusion and Conditions

11. For the above reasons, the appeal is allowed.
12. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. To protect the living conditions of adjoining occupiers, it is necessary to impose a condition preventing the construction of windows, doors or other openings in the side elevation facing 11 Rorkes Close.
13. As suggested by the appellant, and given the description of development in the application form, it is also necessary to impose a condition restricting the use of the development to purposes ancillary to the residential use of No 36. However, the condition suggested by the Council requiring matching materials to be used would be unreasonable because the application form and proposed plans indicate that the proposed materials would not match those used in the existing outbuilding. I have therefore declined to impose that condition.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three 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; Block/site plan; Existing and proposed plans and elevations (Titled: Proposed conversion of existing garden room into a playroom and study, Job No 3033, Rev B).
- 3) No windows, doors or other openings shall be constructed in the side of the first floor elevation facing 11 Rorkes Close.
- 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 36 Mount Tamar Close.

END OF SCHEDULE