



Appeal Decisions

Site visit made on 19 January 2022

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal A Ref: APP/N1160/W/21/3283458

St. Anne's House, Jennycliff Lane, Plymouth, Devon, PL9 9SN

- 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 Neal Stoneman against the decision of Plymouth City Council.
- The application Ref. 20/01454/FUL, dated 23 September 2020, was refused by notice dated 23 March 2021.
- The development proposed is the retention of marquee over swimming pool and erection of covered walkway to link to main house, installation of male and female WCs in bar/ servery and storage building and additional parking area for users.

Appeal B Ref: APP/N1160/W/21/3283463

St. Anne's House, Jennycliff Lane, Plymouth, Devon, PL9 9SN

- 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 Neal Stoneman against the decision of Plymouth City Council.
- The application Ref. 20/01442/FUL, dated 23 September 2020, was refused by notice dated 24 March 2021.
- The development proposed is the continued use of part of site as cafe including erection of marquees to cover seating area and mobile kitchen unit and use of part for mobile toilet unit and additional parking area and formation of additional parking area for cafe and overall development scheme.

Appeal C Ref: APP/N1160/Y/21/3283461

St. Anne's House, Jennycliff Lane, Plymouth, Devon, PL9 9SN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Neal Stoneman against the decision of Plymouth City Council.
- The application Ref. 20/01455/LBC, dated 23 September 2020, was refused by notice dated 23 March 2021.
- The works proposed are the retention of marquee over swimming pool and erection of covered walkway to link to main house, installation of male and female WCs in bar/ servery and storage building and additional parking area for users.

Decisions

1. The appeals are dismissed.

Preliminary Matters

2. In appeals A and C, the appellant's agent has informed me that the covered walkway link no longer forms part of these appeals and has been removed from the site. However, other extensions have been added to the marquee which covers the swimming pool. These extensions do not form part of the applications and appeals before me and are the subject of a separate enforcement appeal (ref. APP/N1160/C/22/3290742).
3. In appeals A and C, the Council's concerns are limited to the impact of the marquee and the covered walkway. There is nothing to demonstrate that the

car park alongside (10 spaces) and the use of existing buildings as toilets and a bar/servery area would harm any interests of acknowledged importance. The main issues in respect of appeals A and C are therefore limited to the marquee.

4. During my visit, the marquee for the café (appeal B) was not in situ. However, I noted other 'items' within the 'red line' appeal site area for appeals A and C. These included a mobile kitchen¹ alongside the marquee by the swimming pool and what appeared to be a modern Romany style caravan to the south of the main building. As none of these other items formed part of the applications I have not taken them into account in determining these appeals.

Main Issues

5. There are four main issues. These are: firstly, the effect upon the character and appearance of the area (appeals A and B only); secondly, whether the proposals would preserve the setting of the grade II listed St. Anne's House (all appeals); thirdly, the effect upon the living conditions of neighbouring residents, having particular regard to noise associated with the additional car parking area (appeal B only) and; fourthly, the effect upon the safety and free-flow of traffic along Jennycliff Lane (appeal B only).

Reasons

Planning Policy

6. The development plan includes the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP). The most important LP policies to the determination of appeals A and C are²: DEV1 (health and amenity), DEV2 (noise), DEV21 (historic environment), DEV23 (landscape), DEV24 (Undeveloped Coast and Heritage Coast), DEV27 (Green and Play Spaces) and DEV29 (transport). In appeal A, the Council has not identified any conflict with DEV1, DEV2 or DEV29.

First Main Issue - Character and Appearance (Appeals A and B only)

7. Both sites lie within the curtilage of St. Anne's House which is used, amongst other things, as a wedding venue and for holiday accommodation. The sites form part of an area of land identified as City Green Space within the LP and are adjacent to an area of Undeveloped Coast and Urban Fringe. This is an area that is popular with visitors and residents.
8. The appeal sites can be seen in public views. These includes views from part of Stamford Lane to the south west, the adjoining City Green Space, the Undeveloped Coast and sections of the South West Coast Path (SWCP) to the south. Both sites are also overlooked from the public footpath that runs to the north of St. Anne's House.

Appeal A

9. The marquee measures approximately 9.5 metres x 15m and covers the swimming pool at the rear (west) of St. Anne's House. The roof of the marquee comprises transparent PVC with white coloured and transparent PVC on the sides. It lies between the lawn to the south of St. Anne's House and its walled garden. An evergreen hedge³ has been planted along the southern side.

¹ This was in use and additional to the smaller mobile kitchen unit that forms part of appeal B.

² The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal C.

³ Approximately 2 metres high.

10. The location of the marquee to the rear of the house and the evergreen hedge provide a degree of screening. However, sections of it, including its roof covering are readily visible from the public domain. Seeing a development does not in itself amount to a harmful impact and many of those visiting this part of Plymouth are likely to be focusing their attention on the stunning views across Plymouth Sound, rather than inland and away from the coast.
11. This marquee is smaller than the one I considered in 2020⁴, is on a different part of the site and is less prominent. It is closer to the main building and not as intrusive within the City Green Space. Nevertheless, the marquee now before me, by virtue of its size (including height) and PVC covering, contrasts awkwardly with the unspoilt green open qualities of the local landscape.
12. This development is a discordant addition to the coastal environment. It fails to respect and maintain the area's distinctive sense of place and does not reinforce local distinctiveness. The marquee detracts from the character of the local landscape and the visual qualities of the area. It conflicts with the objectives of LP policies DEV23, DEV24 and DEV27. This harm carries moderate weight in the overall planning balance.

Appeal B

13. The café operates from part of the lawn area to the south of St. Anne's House. It occupies part of the site that was subject to the appeal which I determined in 2020. This smaller marquee would provide covered seating for a number of benches and 12 tables and would measure 12m x 9m with a 3m x 6m kitchen area. It would be finished in PVC material with vision panels.
14. As I noted in 2020, this site lies within an open and exposed landscape, with views into the site from many parts of the public realm. When seen from parts of the adjoining City Green Space and Undeveloped Coast, including a small section of the SWCP, the marquee, by virtue of its size (including height) and materials (including colour) would contrast awkwardly with the unspoilt green open qualities of the local landscape.
15. Although the marquee would not inhibit any public use or access to City Green Space, this discordant addition would be likely to diminish the public perception and visual quality of this green infrastructure. The proposal would be at odds with the objectives of LP policies DEV23, DEV24 and DEV27. This harm also carries moderate weight in the overall planning balance.

Appeals A and B

16. I conclude on the first main issue that both developments would harm the character and appearance of the area.

Second Main Issue - Setting of St. Anne's House (all appeals)

17. As I found in 2020, the significance of this mid-19th century former vicarage designed by William White, is derived primarily from its special architectural qualities. These include its Victorian Gothic/Vernacular style, with steeply pitched roof, axial stacks, windows and slate hanging on the south elevation.

⁴ APP/N1160/W/20/3256121.

Appeals A and C

18. I note from the appellant's Heritage Statement that this site was part of the former garden to St. Anne's House. The marquee does not entail the loss of any open space that is important to appreciating or understanding the significance of this listed building. Furthermore, its light-weight demountable steel frame and PVC coverings could be easily removed so as to avoid any long-term harm to the significance or setting of this important building.
19. However, the modern form and appearance of the marquee contrasts awkwardly with the distinctive qualities and traditional appearance of St. Anne's House. Moreover, when seen from the public realm to the north and south, the marquee is an obtrusive feature which distracts from an appreciation and understanding of the special architectural and historic qualities of this designated heritage asset. This adverse impact would not be overcome by additional screen planting. In particular, this would do little, if anything, to diminish the impact when seen from the north of the site.
20. In the context of the Framework, the development/works would result in less than substantial harm to the significance of this designated heritage asset. If there is a sliding scale within this category of harm the development/works would be towards the lower end. However, great weight should be given to the asset's conservation and less than substantial harm does not amount to less than substantial weight in the planning balance.
21. The marquee allows the swimming pool to be used throughout the year, including periods of inclement weather. I note the letters of support from local residents, some of whom appear to use the pool throughout the year. The marquee also benefits the appellant's wedding and holiday letting businesses which, in turn, helps to support the local economy. A portion of any profits from these businesses could be used to assist in the upkeep of St. Anne's House. Established planning policies recognise the importance of supporting and strengthening the economy and I appreciate the difficulties very many businesses have experienced during the pandemic. These matters can be given moderate weight in the planning balance.
22. When the above are all weighed together, I find that the public benefits of the development/works are insufficient to outweigh the less than substantial harm that I have identified. The marquee detracts from the setting and significance of St. Anne's House and this development conflicts with LP policy DEV21.
23. I note the appellant's suggestion that a permission/consent could be limited to a period of five years. However, this is not an insignificant period of time and I am also mindful that the marquee has been in situ for some time without having obtained the necessary approvals. Granting a five year temporary consent would unacceptably prolong harm to the significance of a building that has been identified as being of special interest.

Appeal B

24. As I found in 2020, this part of the grounds to St. Anne's House is a component of its attractive garden setting. The unspoilt open qualities of the site assist in maintaining the spacious surrounds and grandeur of this listed building. The views across the site afford an appreciation and understanding of the architectural qualities of this important mid-19th century former vicarage.

25. The proposed marquee would erode the unspoilt open qualities and spacious setting of St. Anne's House. By virtue of its siting, size and appearance, which would include PVC coverings, the marquee would intrude into the setting of this listed building and detract from an appreciation and understanding of its special architectural qualities. This would be especially so when seen from Stamford Lane and the green space to the south west. This adverse impact would not be overcome or adequately ameliorated by additional screen or boundary planting.
26. In the context of the Framework, the development would result in less than substantial harm to the significance of this designated heritage asset. If there is a sliding scale within this category of harm the proposal would be towards the lower end. However, great weight should be given to the asset's conservation and less than substantial harm does not amount to less than substantial weight in the planning balance.
27. The marquee would be of lightweight construction and could be easily removed when it is no longer required, thereby avoiding any lasting harm to the significance of the listed building. The development would also help to support the local economy. A portion of any profits from the business could also be used to assist in the upkeep of St. Anne's House. However, these and other claimed public benefits of the proposal would be insufficient to outweigh the harm that I have identified to the significance of this important building.
28. The marquee detracts from the setting and significance of St. Anne's House and this development conflicts with LP policy DEV21.

Appeals A, B and C

29. I conclude on the second main issue that the marquees fail to preserve the setting of the grade II listed St. Anne's House. This weighs heavily against granting planning permission and listed building consent.

Third Main Issue - Living Conditions (Appeal B only)

30. The proposed overflow car park would accommodate 12 additional vehicles. It would be adjacent to the site entrance and to the west of the residential units at 34, 37 and 40 Stamford Close. The Council has calculated that this additional parking area would be within 10m of these neighbouring properties.
31. Even though this element of the proposal is intended as overflow, once it was laid out for parking, it is likely that at least part of it would be regularly used for such purposes. The impact of vehicle engine noise and car doors slamming on this part of the site would be likely to cause some disturbance to the occupiers of Nos. 34, 37 and 40 Stamford Close.
32. However, the overflow car parking would not be so large or too close to these neighbouring properties as to cause any serious loss of amenity for those living alongside. Moreover, if permission was granted, a condition could be attached to an approval requiring this facility to operate in accordance with an approved management plan. Such a plan could limit the risk of disturbance to neighbouring residents, especially during the evenings and at night. I note that the Council's Environmental Health Officer was consulted on the application and did not raise any objection to this element of the proposals.

33. I conclude on the third main issue that the proposal would be unlikely to have any serious adverse impact upon the living conditions of neighbouring residents. The proposal accords with LP policies DEV1 and DEV2.

Fourth Main Issue - Safety and Free-Flow of Traffic (Appeal B only)

34. The proposed development would increase the demand for car parking.

35. I note the comments of the Council's Transport Development Co-ordinator (TDC) that when permission was granted for weddings/functions to be held at St. Anne's House a total of 18 car parking spaces was "*somewhat reluctantly, agreed as being acceptable.*" The TDC has calculated that the proposal would result in a total of 20 car parking spaces available to serve both the weddings/function business and the café.

36. The proposal, if approved, would result in a total of 30 car parking spaces being available on the site⁵. Whilst I recognise that some parking would be used by those living and working on the site, 12 additional spaces would be provided in the area shown as "*overflow car park 2*" on the site layout plans.

37. Even if the TDC was correct in their assessment, as I noted in 2021, there is a sizeable public car park a short distance from the site in Staddon Lane. The Council has informed me that this car park has become more popular during the pandemic. However, there is nothing of substance to demonstrate that it would be unsuitable or inadequate to accommodate any increase in demand for off-site car parking that could be generated by the scheme now before me.

38. During my recent visit, I again observed the drivers of vehicles adhering to the 30 mph speed restriction along Jennycliff Lane where it passes the site. Traffic flows also remained light. There is no cogent evidence to demonstrate that the section of road between St. Anne's House and the public car park is unsafe or that the development would compromise highway safety interests.

39. I conclude on the fourth main issue that the proposal would be unlikely to have any significant effect upon the safety and free-flow of traffic along Jennycliff Lane. It would accord with the provisions of JLP policy DEV29.

Conclusions

40. My findings in respect of the third and fourth main issues (living conditions and highway matters) do not overcome or outweigh the harm that I have identified in respect of the first and second main issues (setting of St. Anne's House and the character and appearance of the area). Having regard to all other matters raised, I therefore conclude that none of these appeals should succeed.

Neil Pope

Inspector

⁵ Whilst site layout plan ref. 1602/53 shows 20 spaces (numbered 11-30), site layout plan ref. 1602/52 that accompanied appeal A shows the 'missing' spaces numbered 1-10.