



Appeal Decision

Site visit made on 8 February 2022

by J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 16th February 2022

Appeal Ref: APP/N1160/D/21/3286275

65 Melville Terrace Lane, Ford, PLYMOUTH, Devon, PL2 3DB

- 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 David Shurmer against the decision of Plymouth City Council.
 - The application Ref 21/01556/FUL, dated 28 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is a second-floor lean to extension above existing ground floor protruding garage with lean to roof, to the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have adjusted the wording of the description of the development to remove extraneous wording which is not connected to the development. I also clarify that the extension whilst described as a second-floor lean to extension is, in fact, an extension to the first floor of the property. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the building and surrounding area.

Reasons

4. The proposal is to alter this end terraced property by the addition of a first-floor extension above the existing garage projection on the front elevation. This terrace of nine properties, despite being constructed in a staggered arrangement, has a distinct rhythm and consistency of architectural style typical of terraces along the lane and which exhibit the same characteristics and design elements.
5. Whilst the extension would be of modest size and would be in matching materials, its position on the building and its relationship to the terrace would appear as an incongruous and unduly dominant and bulky feature. It would fail to respect the modest scale of this terrace which would significantly disrupt its linear form. The strong horizontal emphasis, linearity, and repetition of fenestration on the terrace only serve to underline the incongruous nature of the proposal's effect on the terrace. This effect would not be adequately mitigated by the screening referred to by the appellant.

6. Consequently, the proposal would conflict with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019), and to the residential extensions guidance contained in the Plymouth and South West Devon Supplementary Planning Document (2020) and to the design aims of the National Planning Policy Framework (the Framework). These policies together seek to ensure that development achieves good standards of design which contributes positively to, in this case, townscape and local distinctiveness in order to protect the quality of the built environment.

Other Matters

7. The appellant highlights: that the access serves business as well as residential premises which is argued mitigates any impact; that there would be no adverse impact on the amenity of local residents and the proposal would not cause any overlooking. These points are noted however they do not outweigh the harm which I have identified in relation to the main issue.
8. It has been highlighted that the addition of a sparrow box will assist in providing biodiversity net gain. Whilst this benefit would be welcomed it would, in itself, be insufficient to overcome the impact on the character of the terrace which would result from the appeal proposal.
9. Reference has been made to the desire to provide additional space to meet growing family needs. However, these issues are personal to the appellant and little weight can be attached to personal circumstances.
10. The appellant highlights that the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 allow existing houses to extend upwards to provide additional living space by constructing additional storeys. That provision is noted; however, it is also a qualified right in that it requires an applicant to undertake a prior approval process where the development has to be considered within specific parameters. These include that development is to be consistent with the prevailing height and form of neighbouring properties and the overall street scene as well as being well designed. These regulations also require that such a prior approval should have regard to the Framework and should be applied as if the application were a planning application. It is therefore by no means certain that an upwards extension would be achievable and this suggested alternative, which is argued to be more harmful, is untested and it does not therefore alter my findings.

Conclusion

11. For the reasons given above and having considered all matters raised the appeal is dismissed.

J Wilson

INSPECTOR