



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/21/3286338

1 Mallard Close, Plymouth, PL7 2LF

- 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 Irina Jones against the decision of Plymouth City Council.
 - The application Ref 21/01030/FUL, dated 3 June 2021, was refused by notice dated 16 August 2021.
 - The development proposed is a timber summer house for use as an office and summerhouse.
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Decision

1. The appeal is allowed and planning permission is granted for a timber summer house for use as an office and summerhouse at 1 Mallard Close, Plymouth, PL7 2LF in accordance with the terms of the application, Ref 21/01030/FUL, dated 3 June 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The garden outbuilding hereby approved shall not be occupied at any time other than for purposes ancillary to the residential property known as 1 Mallard Close, Plymouth, PL7 2LF; and shall at no time be severed to function as an independent dwelling; nor for a business use.
 - 2) The use of the building hereby approved shall not commence until the external cladding materials and fenestration details (both windows and doors) specified on the submitted drawings have been fully installed.

Preliminary Matters

2. The building frame is in place though is not yet completed. I have therefore dealt with the appeal as if it were for retrospective approval.
3. I have revised the description to remove unnecessary references which are not acts of development.

Main Issue

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

Reasons

5. The property is located on a corner plot with frontages to Mallard Close and Tern Gardens. The prominence of the plot is emphasised as the land falls away towards the north towards Ridge Park Road. Nonetheless the house is set well back from the Tern Gardens frontage which has a high boundary fence set on a

low stone plinth with planting behind. Together these features screen the side garden to around 3 metres in height.

6. The Council argue that the outbuilding is of a poor and incongruous design that sits uncomfortably within the plot and immediately adjacent to the highway which results in harm to the character of the surrounding street scene. The building which, due to the topography is between 2.4 and 3.2 metres in height, is not readily visible behind the side boundary. To the north and south small amounts of the upper part of the building are visible above the fencing but not to the extent that they could be regarded as unduly prominent in the street scene. External cladding treatments are still to be applied, they are proposed in composite grey cladding with a black roof with two windows and a French door proposed in a dark grey (anthracite) finish which are also yet to be installed. The effect of the existing boundary treatment and the external treatments proposed will help to minimise the external appearance of that part of the building which is visible above the existing boundary.
7. I have had regard to the Council's comment that the Local Plan states that extensions forward of the building line will generally be resisted and may in certain circumstances be allowed where there is no obvious building line. On this corner plot there are two building lines and the structure is set well forward of the side of the house (fronting Tern Gardens). Nevertheless, in this context the building is considered acceptable, as are the intended cladding materials and window/door treatments.
8. Taking all these factors into account, I consider that the proposed appearance of the building given its position to the side of 1 Mallard Close, would not be in conflict with the objectives of Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019); or Policy PSM1 of the Plympton St Mary Neighbourhood Plan 2015-2034 (2019); nor the Plymouth and South West Devon Supplementary Planning Document (2020). These policies together seek to ensure that development achieves good standards of design which contributes positively to, in this case, townscape in order to protect the quality of the built environment.

Other Matters

9. Representations have been made questioning the accuracy of the submitted drawings. As the building has already been constructed, I have been able to assess the prominence of the structure in the context of its position in the side garden of the property.
10. The Council mention that the existing timber fence is unauthorised and would have required permission. However, even though it has been in situ for some time, it would be unlikely to have been considered acceptable given it represents a 'harsh street frontage on a corner junction'. There is however no suggestion that the fencing in place would, or could, be the subject of proceedings to remove it. I also observed that a number of properties in the locality including others on corner plots have high fencing around them of varying degrees of age. Taking these factors together I place little weight on the history of the existing fence. It is a feature which exists and serves to screen the appeal proposal. Whilst there is nothing to prevent its removal the likelihood of this happening is, to my mind, very low.

Conditions

11. As the building has already been commenced there is no need for a standard time condition. The Council has suggested a condition restricting the use of the outbuilding to incidental which would provide certainty and would ensure that the use remains ancillary to the property to which it is attached. I will however use a standard wording for this in the interests of clarity.
12. I also consider it necessary to ensure that the external treatment to the building should be required to be completed prior to the use of the building in order that the visual impact of that part of the proposal which is visible above parts of the boundary treatment can be minimised.

Conclusion

13. For the above reasons and having regard to all other matters raised the appeal is allowed in the terms set out above.

J Wilson

INSPECTOR