



Appeal Decision

Site visit made on 9 March 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/N1160/W/21/3284388

21-23 Houndiscombe Road, Plymouth PL4 6HG

- 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 Ian Darbyshire against the decision of Plymouth City Council.
 - The application Ref 21/00800/FUL, dated 29 April 2021, was refused by notice dated 22 June 2021.
 - The development proposed is conversion of existing garage to a 2 bedroom, 2 storey house with associated external amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is accompanied by revised plans which insert a first-floor bedroom window into the rear of the proposed dwelling. The window would materially alter the neighbour relationship between the dwelling and the care home Hamilton House on higher land directly to the south. As such, and with regard to the Wheatcroft Principles¹, I have not taken the revised plans into account in my decision, as to do so may prejudice other parties.

Main Issues

3. The main issues are (i) whether the proposal would create adequate living conditions for future users, with reference to outlook and daylight; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The site comprises a garage behind Hamilton House. The building is accessed off a service lane known as Gordon Terrace Lane to the north and is partly set into the hillside which rises to the south, towards Hamilton House. Directly to the west, fronting the lane, are the semidetached houses forming Bantham Mews, which were created through the conversion and extension of a disused store building, granted permission in 2016 pursuant to Ref 16/00977/FUL.
5. Paragraph 130 of the National Planning Policy Framework (the Framework) requires, amongst other things, for decisions to ensure that developments will function well, use the arrangement of spaces to create welcoming places to live and visit, and create places which promote health and well-being, with a high standard of amenity for future users.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another (1980)

6. The density of this urban area establishes the context within which the living conditions for future users is to be assessed. Even so, the main living space would have one genuine outward aspect. As such, the kitchen would offer a distant and inadequate outlook, out to a parked vehicle, a roller shutter door or, beyond that, the enclosure of the lane. Whilst this space would have apertures to the side, they would open to a narrow void, served by a solitary, sunken and perpendicular rear window to the outside. Given also that its direct outward aspect would face north, the kitchen would have insufficient access to daylight. The utility room would have no direct access to outlook or daylight at all.
7. At first floor, Bedroom 2 would have very limited direct contact with the outside via a single rooflight, and there would be no openings within its ensuite. As a result, its occupants would have to tolerate a significant sense of confinement. I do not prescribe to the suggestion that this is okay because bedrooms are little used; in my experience, they can and do serve a multitude of purposes beyond sleeping and can also act as an important private space within a home, particularly a modestly sized home, as is proposed.
8. As such, I conclude on this issue that the proposal would fail to create adequate living conditions for future users, with reference to outlook and daylight. It would conflict with the residential amenity aims of Policies DEV1 and DEV10 of the Plymouth and South West Devon Joint Local Plan (adopted 2019) (the JLP) and the Framework.

Character and appearance

9. The area is characterised by large and tall terraced houses with service lanes to the rear. Backland development is less common and is mostly concentrated along Restormel Road which, given its width, pavements and examples of terraced frontages, for all intents and purposes reads as a fully-fledged street.
10. However, Bantham Mews is the prominent exception. It has a fairly wide plan, somewhat akin to a short terrace. As the scheme would take design cues from Bantham Mews and read as a proportionate addition to the building frontage, it would not cause aesthetic harm nor disrupt the character of the lane. Equally, given that the existing garage is entirely typical and innocuous within the lane, its proposed conversion would not enhance the area, rather, there would be a neutral effect overall.
11. Concerns have been raised about the scheme setting a possible precedent for further backland development in this area. However, as each case must be assessed on its own individual merits, these are not concerns that I share.
12. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the relevant design aims of Policies DEV10 and DEV20 of the JLP, the JLP Supplementary Planning Document (adopted 2020) and the Framework.

Planning Balance

13. The failure of the proposal to create adequate living conditions for future occupants draws it into conflict with the development plan read as a whole.
14. The government is seeking to significantly boost the supply of housing and the proposal would reuse the site to provide a dwelling within an accessible location. I have no reason to doubt that the scheme would be built out quickly

and I recognise the value that the Framework places on the delivery of small to medium housing sites in settlements. That being said, this should not be interpreted to come at the clear expense of the Framework's requirement for development to provide a high standard of amenity for future users. Consequently, there are no other considerations, including the Framework, which outweigh the conflict with the development plan in this case.

Conclusion

15. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR