



Appeal Decision

Site visit made on 17 August 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/N1160/D/22/3297471
97 Mannamead Road, Plymouth, PL3 4SX

- 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 J Woodley against the decision of Plymouth City Council.
 - The application Ref. 21/02245/FUL, dated 16 December 2021, was refused by notice dated 11 April 2022.
 - The development proposed is demolition of garage and construction of replacement storage building with first floor games room, gym and shower room (re-application of approved scheme 20/00491/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission for the proposed two storey replacement building has already been granted under reference 20/00491/FUL. As I observed on site, the implementation of that permission is well advanced with most of the development already built. I understand that the completion of the work was put on hold when it became apparent that the use of a green wall on the first floor element of the new building could not be implemented due to problems with access and its future maintenance. The Appellant sought, therefore, to agree with the Council an alternative form of cladding or finish to the first floor elevations and this culminated in the current appeal which proposes the use of copper cladding.
3. I note that reference has been made to whether the condition(s) on planning permission 20/00491/FUL, which in particular required the prior approval of the green wall and a management/maintenance plan, met the tests set out in paragraph 56 of the National Planning Policy Framework (July 2021) (Framework). Whether that is the case or not is not a matter that is before me and is not an issue that I can determine in the context of an application that has been submitted under section 78 of the Town and Country Planning Act 1990. The proposal before me seeks full planning permission for the proposed two storey building to include copper cladding on the first floor elevations. I have, therefore, determined the appeal on this basis.

Main Issues

4. The main issues are: (a) the effect of the proposed development on the character and appearance of the host property and surrounding area, with particular regard to the sites location within the Mannamead Conservation

Area; and (b) the effect of the proposed development on the living condition of the neighbouring occupiers at 95 Mannamead Road.

Reasons

Character and appearance

5. The appeal site lies within the Mannamead Conservation Area (MCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework and in policy DEV21 of the Plymouth & South West Devon Joint Local Plan (2014-2034) (March 2019) (JLP).
6. There is no published conservation appraisal for the MCA and I have, therefore, based my assessment on the observations I made on site and the submitted evidence. The MCA contains a variety of property types and sizes that appear to date from the mid 19th Century. They share, however, a uniform style and external appearance, with predominantly white rendered elevations, bay windows and some stucco detailing. The roof materials include a mixture of slate and tiles. The large semi-detached villas fronting onto Mannamead Road, including the host property, have hipped roofs, whereas the terraces are mostly gable ended, which includes the terrace on Thorn Park that immediately abuts the rear (western) boundary of the appeal site.
7. The proposed building has been built hard up against the side elevation to 22 Thorn Park. The latter forms part of a short terrace of attractive two storey double fronted properties that exhibit a symmetrical frontage in matching materials, with well-maintained front gardens. The properties appear relatively intact in that they retain the majority of their original historic features and detailing. A similar, but larger terrace is located on the northern side of Thorn Park creating a strong visual image that is positive feature of the character of this road. A further important feature are the existing mature trees, both on street, where they create an avenue effect and those within the curtilage to individual properties.
8. All the above factors contribute, in my view, to the significance of the MCA as a whole.
9. The Council contend that an important part of the acceptability of the proposed building was the green wall and that its replacement by copper cladding would result in a development that would be out of keeping with the local pattern of development. Based on the above appraisal I agree with the Council's findings. The proposed cladding would introduce a material that is not, in my view, a feature of the area. It would introduce a jarring and harmful juxtaposition with the predominantly white rendered terrace that the proposed building is attached to and largely viewed in the context of.
10. The result would be the introduction of an incongruous feature that would be out of keeping with the character and appearance of the host property and surrounding area. Whilst I note the intention to use weathered copper, the proposed cladding would, in my view, result in the proposed building having a more traditional and harder appearance, and it would thus be more prominent within the streetscene, giving the impression of a building that does not harmonise or integrate well with its surroundings. As a result, the appeal

proposal would not sit comfortably within the streetscene and would neither preserve nor enhance the character or appearance of the MCA.

11. I accept that the Appellant has sought to introduce a contemporary design and not a pastiche of existing properties, and, in principle, I agree that that is the correct approach to adopt for an outbuilding that would be subservient to the host property. However, I consider that the use of the proposed cladding would not be acceptable in this location for the reasons given above. The introduction of climbing ivy on the front elevation of the proposed building would not mitigate for the harm that would arise.
12. The approved green wall would have softened the appearance of the proposed building, giving it a natural appearance that allowed it to integrate with its landscaped context and the mature street trees that characterise the area. For these reasons, I do not agree with the Appellants contention that the proposed green wall would have been more overbearing, and, on the contrary, its natural feel and finish would have related well to its surroundings, as well as the contemporary design of the proposed building. Whilst I also acknowledge that copper is often used as roofing material and in decorative features within historic contexts, the proposal would involve the cladding of the whole of the first floor elevations to the proposed building, resulting in an extensive area of copper that would not, in my view, be a unique feature or a material that responds to the special character of the area.
13. The Appellant has referred to the use of contemporary designs and materials in other locations. Whilst I have not been provided with any detailed planning background to these examples, their existence does not provide justification for the proposed development. I am also not convinced that such comparisons provide any helpful assistance, in that they will relate to locations where the character and appearance of the area, as well as the historic features that contribute to their special interest, will be very different to those that exist within the MCA.
14. For the reasons set out above I find that the appeal proposal would result in significant harm to the character and appearance of the area, and as such it would not preserve or enhance the MCA. In view of this finding and as is required, particularly by the Framework, considerable importance and weight must be attached to the harm to this designated heritage asset. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset. The level of harm would be high and there are no public benefits, delivering either economic or social or environmental objectives, which would outweigh that harm.
15. Accordingly, I find that the appeal proposal would be contrary to policies DEV20.2 and DEV21 of the JLP and paragraphs 189, 197, 199 - 200 and 202 of the Framework.

Living conditions

16. The Council contend that the proposed green wall was an important detail in softening the appearance of the proposed first floor element of the new building when viewed from neighbouring occupiers. The Council consider that the replacement of this green wall with the proposed copper cladding would, therefore, have a detrimental impact on the outlook of the neighbouring occupiers at 95 Mannamead Road (No.95).

17. Having viewed the proposal from the rear garden of No.95, I concur with the Council's views in this respect. As I observed, whilst the rear garden to No.95 is not large, it provides a pleasant private amenity area for the occupiers. The approved building is sited hard up against the rear boundary wall to this garden. The wall appears to have an overall height of approximately 1.6 metres and as constructed, the whole of the first floor side elevation to the new building is visible above it. Although the submitted plans show a row of trees along the rear boundary of No.95, other than two trees in the westernmost corner of this garden, the other trees shown are not existing.
18. Within this context, I accept that the green wall would have provided a softer and more natural backdrop to the rear garden of No.95. Compared to this, the proposed cladding would introduce a harder and more solid feature visible over most of the rear boundary to No.95. The result would be a building whose appearance would be unduly prominent and visually harmful to the outlook of the occupiers of that property, particularly from their private garden. The overbearing impact on the neighbours outlook would not be mitigated by any proposed planting, albeit other than some climbing ivy on part of the return frontage to the new building, no new planting is shown on the proposed (east) elevation facing No.95.
19. Reference has been made to the fact that views from the rear garden of No.95 would previously have been of the upper level of the side gable to 22 Thorn Park. However, the latter is set further back from the common boundary and is finished in white render, and consequently the building relationship that previously existed would have been materially different to those that would result from the appeal proposal. Reference has also been made to the Council's comments in previously approving the development and in discussions with neighbours, and whilst I have had regard to these I can only consider the proposal that is before me and determine it on its individual merits having regard to the circumstances of the case and my observations on site.
20. Accordingly, I find that the appeal proposal would be contrary to policy DEV1 of the JLP. This seeks to ensure that new development, amongst other requirements, provides a satisfactory outlook for existing residents, consistent with paragraph 130 f) of the Framework.
21. The Council have referred in their reasons for refusal to the Supplementary Planning Document 2020 (SPD). However, no specific paragraphs or references from this SPD are mentioned and I have not been provided with a copy of this document. In the circumstances, I have not been able to determine whether the SPD is relevant or whether there would be any conflict with its guidance. Even so, this factor does not have any bearing on my overall findings in relation to this appeal.

Conclusion

22. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR