



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: 27TH September 2022

Appeal Ref: APP/N1160/W/22/3294648

Land at Farm Close (inc. parts of former gardens to 12 & 13 Reynolds Road), Plympton, Plymouth, PL7 4PY

- 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 N Searles (George Searles Ltd) against the decision of Plymouth City Council.
 - The application Ref. 21/01457/FUL, dated the 2 August 2021, was refused by notice dated the 3 November 2021.
 - The development proposed is erection of 2no dwellings and formation of vehicular accesses (re-submission of 20/01712/FUL).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the area; and (b) the living conditions of the occupiers of neighbouring properties in respect of overlooking.

Reasons

Character and appearance

3. The appeal site largely comprises the rear gardens of 12 and 13 Reynolds Road (No.12 & 13). The properties in Reynolds Road are two storeys and semi-detached, with long rear gardens a number of which, as with the gardens on the appeal site, slope downwards to Farm Close, where there is a steep bank/wall and grass verge separating the gardens from the back edge of the road. Most of the bank/wall to these rear gardens includes a screen of trees and hedging other than in the case of the appeal site where I understand the rear boundary was cleared to allow repairs to the bank/wall.
4. There is no housing or other built development fronting the eastern side of Farm Close, which includes the appeal site. On the western side of the Close is a row of single storey semi-detached bungalows, some of which have roof accommodation. To the north is a cul-de-sac of two storey detached and semi-detached properties (Owen Drive), which again do not front onto Farm Close and are accessed further to the north from Larkham Lane.
5. Policy DEV10 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (March 2019) (JLP) sets out the criteria (provisions) that will be used to deliver high quality housing. Criterion 1 requires, amongst others, that

housing developments should be designed to be integrated with adjacent developments and not appear to be an unrelated addition to the rest of the neighbourhood. Criterion 6 states that in order to protect the quality of the urban environment and prevent 'town cramming' the development of garden land will only be permitted where it does not adversely affect the character and amenities of the area, and can demonstrate that it contributes to the creation of sustainable linked neighbourhoods.

6. Policy DEV20 of the JLP relates to place making and the quality of the built environment and states that development will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment, achieved through the application of various criteria listed in the policy. Criterion 2 requires proposals to have proper regard to the pattern of local development and the wider development context and surroundings in terms of, amongst others, style, local distinctiveness, layout, orientation, visual impact, scale, landscaping and character. Criterion 3 also emphasises the need to achieve a good quality sense of place and character through the utilisation of existing assets such as quality buildings, trees and landscape features and attention to the design details of the scheme.
7. These policies need to be read in conjunction with policy SPT1 of the JLP which sets out the principles for delivering sustainable development, including a sustainable environment where, amongst others, part 3 i of the policy requires the effective use of land to be made through optimising the reuse of previously developed sites, reducing the need for greenfield development and protecting natural assets. Part 3 v also requires development to respect, maintain and strengthen local distinctiveness and sense of place through high standards of design. Similarly, policy SPT2 which requires development to support the spatial strategy through the creation of neighbourhoods which, amongst other criteria, have reasonable access to local facilities, high levels of digital connectivity, are well served by public transport, explore the opportunities for the use of renewable energy and provide a positive sense of place and identity, through in particular, recognition of good quality design, unique character and the protection and enhancement of the natural environment.
8. Within this context, the appeal proposal involves constructing two semi-detached 3-bed dwellings within the rearmost part of the gardens of No.12 & 13, accessed from and fronting onto Farm Close. The two new units would be formed from a single building. To the north and south of this main building would be single storey flat roofed buildings accommodating a garage and workshop/store, for each unit. The roof to the main building would be gable ended to accommodate living space at first floor level. As a consequence, the proposed development would introduce a significant mass and footprint of built development where there are currently no buildings on the rear part of the appeal site and no similar frontage development on the eastern side of Farm Close. As a result, the proposal would be highly visible and prominent and out of keeping with the prevailing pattern of development.
9. Whilst I accept that the rear gardens to the properties in Reynolds Road contain outbuildings and other residential paraphernalia, these existing structures are much smaller in scale, are contained within those gardens and do not encroach or front onto Farm Close. Even where existing outbuilding are sited close to the rear boundary, they are well screened from Farm Close by a

combination of the existing bank/wall and trees/hedging. Indeed, this natural boundary is extensive in that it runs from the junction of Farm Close with Larkham Lane northwards along the eastern side of Farm Close to the appeal site, where there is a gap, beyond which the natural boundary continues past the rear gardens to the properties in Owen Drive. As I observed on site, this natural boundary, combined with the rear gardens that sit behind it, retain a sense of openness and greenery which is a positive feature of the area. It provides a green backdrop to the bungalow development opposite and is visible from various public vantage points. For these reasons, this natural boundary is, in my view, an important feature of the character of the area.

10. The appeal proposal would result in an incongruous development that would be out of keeping with its immediate natural and well landscape setting. The proposed development would also be alien to the established pattern of built development along Farm Close and would result in a development that does not sit comfortably on the appeal site in that it appears somewhat isolated and unrelated to existing built development and the streetscene.
11. Whilst part 3 i to policy SPT1 of the JLP promotes the effective use of land through optimising the reuse of previously developed land, as Annex 2 of the National Planning Policy Framework (July 2021) (Framework) states residential gardens are excluded from this definition. Policy SPT1, as with others that I referred to earlier, also emphasises the importance of respecting, maintaining and strengthening local distinctiveness. The combined greenery, tranquillity and biodiversity of the existing rear gardens, including those on the appeal site and the extensive natural boundary to these gardens make an important contribution, in my view, to local distinctiveness. Given that the surrounding area is densely developed, these natural features take on a more important role in providing a sense of greenery and relief that permeates through the surrounding area.
12. I accept that at present there is limited screening to the appeal site where it fronts onto Farm Close, which I understand is due to the clearance works undertaken by the Appellant to enable the condition of the bank/wall to be assessed and any necessary maintenance carried out. However, there is no evidence before me to suggest that the bank/wall cannot be repaired or that new planting could not be reintroduced on the boundary of the rear gardens to No.12 & 13. Indeed, on my site visit I noted that some new tree planting already appears to have taken place within these gardens.
13. In relation to the Appellant's statements concerning future landscaping, I recognise that this is a matter that could be addressed by condition. Even so, whilst the Appellant places significant weight on the benefits that this scheme could secure there is no evidence or plans before me to demonstrate where or how the suggested 'extensive' areas of landscaping could be accommodated within the proposed layout that has regard to not only the topography of the site but more importantly the need to ensure that the proposed garden areas shown are usable, functional and sufficient to serve the needs of the proposed family sized units. Similarly, there is no evidence or even any broad indications to demonstrate how any landscaping scheme would assist in integrating the development with its natural setting. Notwithstanding these comments, I am not convinced that any landscaping scheme would mitigate for the harm that I have identified above.

14. The Appellant states that the appeal site does not form part of a designated landscape or local green space allocation. That may be so, but it does not override the need to assess the proposal in terms of its impact on the character and amenities of the area, including natural assets, as required by the policies of the JLP I referred to earlier. As I have found above, the westernmost section of the appeal site forms part of a largely unbroken natural green band of land extending the length of the eastern side of Farm Close that contains no frontage development and is of significant amenity value. As such, this natural boundary should, in my view, be preserved, maintained and where possible enhanced given the positive contribution it makes to the character of the area.
15. Overall, the proposed development would harm the character of the area, it would not integrate with adjacent developments and would appear as an unrelated addition to this part of the streetscene. It would harm the quality of the existing urban environment and would represent inappropriate development of garden land, contrary to criteria 1 and 6 of policy DEV10 and criteria 2 and 3 of policy DEV20 of the JLP. The approach adopted by these policies is consistent with that in the Framework, in particular paragraphs 71, 124 d) and 130, with paragraph 71 stating that plans should consider setting out policies to resist inappropriate development of residential gardens, giving the example of *"where development would cause harm to the local area."*
16. For the above reasons, I find that the appeal proposal would cause unacceptable harm to the character and amenities of the local area. It would introduce a development that would be harmful to the undeveloped and natural setting of the eastern side of Farm Close and result in inappropriate development on garden land, and does not, therefore, contribute to the overall spatial strategy of the JLP of creating sustainable linked neighbourhoods. Accordingly, the appeal proposal would be contrary to policies DEV10, DEV20, SPT1, SPT2 and parts 4 and 5 of Strategic Objective SO11 of the JLP, as well as paragraphs 71, 124 d) and 130 of the Framework.
17. Whilst the Council refer to those parts of the JLP policies seeking to address climate change and reduce the need for greenfield development (see, in particular, part 3 i to policy SPT1), assuming I have interpreted this reference correctly I am not convinced that the latter is relevant to the proposal that is before me in that the appeal site is garden land and would not, in my view, fall within the definition of 'greenfield development'. In relation to climate change the proposed design could, for example, secure a low carbon energy scheme thus assisting in mitigating any such impact. Based, therefore, on the evidence before me neither of these matters has affected my findings on this issue.

Living conditions - neighbours

18. The submitted plans indicate that part of the roof to the proposed single storey garage and workshop/store of new Unit 2, on the northern (common) boundary with 59 Owen Drive (No.59), would include decking (a terrace). The decking would, I understand, be confined to the roof of the proposed garage, thus set back from the common boundary with No.59. In view of this and given the presence of a high hedge on the common boundary, which I understand is within the control of No.59, the Appellant determined that no screening (fencing) was required to the side of new decking facing No.59.
19. The Appellants submission seeks to show, with the aid of photographs, that the existing hedge to No.59 is over 2 metres higher than the predicted height of

the proposed garage roof and thus the decking. At the same time, the Appellant confirmed their agreement to provide appropriate screening to this side of the decking if there remained concerns over this aspect of the proposal. Whilst I observed this relationship on site, it was very difficult to reach a firm view on the potential for overlooking from the proposed decking. The submitted plans do not provide any clarity in this respect and a section that sought to show the predicted level of the new decking relative to the height of the boundary hedge and the ground floor level of No.59 would have assisted that assessment. Even so, it appears that it is only the presence of the existing hedge that would in all likelihood prevent any overlooking from the new decking.

20. Given the above and in the absence of any clear evidence on this matter, had I been minded to allow the appeal I am satisfied that this matter could have been resolved through the provision of a 2.0 metre high screen (fence) on the side (north) elevation of the proposed decking, and that this could have been secured by way of a condition. With the provision of that additional screening the appeal proposal would have been compliant with policy DEV1 of the JLP.

Other Matters

21. I accept that the appeal proposal would make a contribution to meeting future housing provision; secure an energy efficient and good quality design; generate short term employment during construction; introduce more spend into the area to support local facilities; and secure housing in an accessible location, benefits that are supported by other policies in the development plan and the Framework. However, these benefits would, in my view, be small. In addition, the Council indicate that they are able to demonstrate a 5-year supply of housing land, and whilst the Appellant has queried the slower build rates during the Covid pandemic they have not challenged the Council's overall position in this respect. As such, the housing policies of the JLP are up to date and the tilted balance set out in paragraph 11 d) of the Framework does not apply. Furthermore, there is no evidence before me to indicate that the JLP's housing requirements cannot be met through commitments, allocations and windfall sites, the latter on sites that would support the overall spatial strategy and be more policy compliant.
22. In view of the above, I have attached only limited weight to the benefits that the appeal proposal would secure and they are not sufficient, either individually or cumulatively, to outweigh the harm that I have identified and the conflict that arises with the development plan, when read as a whole.

Conclusions

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

G Roberts

INSPECTOR