



Appeal Decision

Site visit made on 6 December 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/N1160/W/22/3301630

19 Meadow Park, Plymouth PL9 9NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Allen against the decision of Plymouth City Council.
 - The application Ref 22/00458/OUT, dated 17 March 2022, was refused by notice dated 12 May 2022.
 - The development proposed is described as 'outline application for detached dwelling, garden space and off road car parking'.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a detached dwelling at 19 Meadow Park, Plymouth PL9 9NX in accordance with the terms of the application, Ref 22/00458/OUT, dated 17 March 2022, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have assessed the proposal on this basis and treated the submitted drawings as being for illustrative purposes only.

Background and Main Issues

3. Policy DEV10 of the Plymouth and South West Devon Joint Local Plan 2014 - 2034 adopted March 2019 (JLP) only permits the development of garden space where it does not adversely affect the character and amenities of the area and where it contributes to the creation of sustainable linked neighbourhoods. The appeal site is located within a well-established residential area with reasonable proximity to local amenities and services. The Council state within the Officer's Report that there is no objection in principle to the residential development of the site and as such, I have confined my considerations in this appeal to:
 - The effect of the appeal proposal on the character and appearance of the area; and,
 - The effect of the appeal proposal on the living conditions of neighbouring occupiers with regards to outlook and daylight.

Reasons

Character and Appearance

4. The appeal site comprises part of the rear garden of 19 Meadow Park, a semi-detached property located at the junction of Meadow Park with Woodside

Avenue. The surrounding area comprises of predominantly semi-detached dwellings set back from the road in good size plots.

5. My attention has been drawn to the recently completed new dwelling on Westfield Avenue and the one under construction on Woodside Avenue, opposite the appeal site. These are both detached dwellings located in the rear gardens of semi-detached dwellings located at road junctions. Thus, whilst the prevailing pattern of development in the area is pairs of semi-detached dwellings, there are examples of detached dwellings set within smaller sized plots. As such, the erection of a dwelling on the appeal site would not be out of keeping with these other developments which have resulted in a more mixed pattern of development in the vicinity of the appeal site.
6. To the north of the appeal site is 1 Woodside Avenue, part of a pair of semi-detached properties which rather than being located perpendicular to the road, is set at an angle to the road. It is also positioned well back in the plot giving this part of the street a particularly open and spacious feel. The indicative drawing shows the proposed dwelling projecting well forward of 1 Woodside Avenue which would encroach into and noticeably diminish the existing gap between the properties.
7. However, the plans are illustrative of one particular way of developing the site and there is sufficient space within the appeal site to position the dwelling towards the rear of the plot. The proposed dwelling would still be located forward of 1 Woodside Avenue and a visible addition to the street scene. However, much of the appeal site is lower than 1 Woodside Avenue and as such, I am not persuaded that the proposed dwelling would be so dominant as to result in a degree of change that would be detrimental to the overall character and appearance of the area.
8. Taken together, I conclude that the appeal site could accommodate a dwelling without detriment to the character and appearance of the area. Therefore, a conflict with Policies DEV10 and DEV20 of the JLP would not occur insofar as they seek to secure good design that respects the character and local context of an area.

Living Conditions

9. The Council refer to separation distance requirements and the application of the '45 degree guideline' as set out in the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document adopted July 2020 (SPD). The Council advise that applying the 45 degree guideline to the appeal proposal would result in an unacceptable loss of outlook and light to the occupiers of 1 Woodside Avenue but no evidence has been presented to me which demonstrates this. The separation distances referred to relate to habitable rooms facing directly opposite one another or directly facing a blank wall. The positioning of 1 Woodside Avenue relative to the appeal site, means that both of these can be avoided.
10. I observed at my site visit that there are no windows on the side elevation of 1 Woodside Avenue and an attached garage is the closest part of the property to the appeal site. I also saw that much of the appeal site is lower than the ground floor level of 1 Woodside Avenue. Given that there is scope to position a dwelling on the appeal site other than as shown on the indicative plan, and that details of its layout and scale are not fixed, I am satisfied that a dwelling could

be designed and sited such that it would not harmfully reduce the level of daylight and outlook experienced by the occupiers of 1 Woodside Avenue. Thus, I conclude that the appeal proposal complies with Policy DEV1 of the JLP which seeks to safeguard the amenity of local communities.

Conditions

11. I have had regard to the advice in the Planning Practice Guidance and the conditions provided by the Council.
12. I have attached conditions relating to the commencement of development, submission of reserved matters and the time limits associated with this to provide certainty of the outline planning permission granted and in the interest of safeguarding the character and appearance of the area and the living conditions of neighbours. I have not included drainage in condition 1, as suggested by the Council, as this is not a reserved matter. I am satisfied however, that further details of surface water management are required to ensure that the development does not increase flood risk and have attached a condition accordingly.
13. I have also included a condition specifying the relevant plan as this provides certainty as to the extent of the development site but have not included the illustrative plan L01 02 as all matters are reserved.
14. The Council's Environmental Health Officer has suggested a condition relating to hours of construction. Whilst the Council do not include this in their suggested list, this is necessary to protect the living conditions of neighbouring occupiers. The appellant would not be prejudiced by its imposition as the consultation response formed part of the Council's appeal submission which the appellant has had an opportunity to comment upon. In addition, I have imposed a condition to ensure that unexpected contamination is adequately mitigated to protect the living conditions of future occupiers.
15. I have imposed conditions to secure the provision for cycle parking and electric charging points as they do not fall within the reserved matters but are necessary to meet the Council's policies and standards relating to sustainable travel and healthy communities. I have also imposed a condition relating to ecological mitigation to comply with the Council's policies on the retention, protection and enhancement of wildlife.
16. As all matters are reserved, it is unnecessary for me to impose conditions relating to parking and boundary treatment as the Council have control over these aspects through the reserved matters.

Conclusion

17. The appeal scheme would adhere to the development plan and there are no material considerations which indicate otherwise. Accordingly, for the reasons given above, I conclude that the appeal should succeed.

Alison Fish

INSPECTOR

Schedule of Conditions

1. Details of the access, layout, appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the site as denoted by the red line on drawing no. L01 01 Revision A.
5. No development shall take place until details of the design of a surface water drainage scheme including proposals for its management and maintenance has been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details. The scheme shall thereafter be maintained in accordance with the approved details for the lifetime of the development.
6. Construction works shall take place only between 0800 hours and 1800 hours on Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
7. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
8. The dwelling hereby approved shall not be occupied until secure cycle parking to comply with the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document adopted July 2020, has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority. Thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
9. The dwelling hereby approved shall not be occupied until one electric vehicle charging point has been installed on the site and is available for use. Once installed and operational it shall be retained and maintained as such at all times.
10. The dwelling hereby approved shall not be occupied until provision has been made on site for nesting birds, bats and hedgehogs in accordance with a

scheme which shall have been previously submitted to and approved in writing by the local planning authority. Once provided, the approved measures shall thereafter be retained.

End of Schedule