



Appeal Decision

Site visit made on 28 February 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/N1160/W/22/3302639

1 Seaton Avenue, Plymouth PL4 6QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Lewis Walker against the decision of Plymouth City Council.
 - The application Ref 22/00643/S73, dated 8 April 2022, was refused by notice dated 7 June 2022.
 - The application sought planning permission for change of use from 6 bedroomed house in multiple occupation (HMO, Use Class C4) to 8 bedroomed house in multiple occupation without complying with a condition attached to planning permission Ref 13/00101/FUL, dated 5 April 2013.
 - The condition in dispute is No 5 which states that: Within 2 months of the date of decision, space shall be laid out within the rear yard area of the site for refuse storage and shall remain available at all times for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.
 - The reason given for the condition is: To ensure adequate facilities in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The reason given for the condition in dispute related to the development plan which was in force at that time. This has since been superseded by the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019. In assessing the extent to which the appeal proposal accords with the development plan, I have had regard to the current relevant policy.

Main Issue

3. The main issue in this appeal is the effect that removing the condition would have on the character and appearance of the area.

Reasons

4. The appeal site is located in a residential street, consisting of well-proportioned terraced properties with small enclosed front gardens. I observed that a number of properties were using the front garden area for bin storage but I also saw that this was not the case for all properties. A number of properties also had dwarf walls with hedges or railings above forming the front boundary

with the footway and together with trees at regular intervals along its length, I found Seaton Avenue to be an attractive street.

5. The appeal property is an end of terrace property located at the junction of Seaton Avenue with Seaton Lane. A bin storage area was approved in the yard area at the rear of the property, accessed from Seaton Lane.
6. The Council's evidence refers to seven 240 litre bins and one 1100 litre commercial bin being stored at the rear of the appeal property, which is in use as an eight bedroomed house in multiple occupation. The photographs provided by the appellant indicate five 240 litre bins and one commercial bin being stored at the rear of the property.
7. An area to the front of the property has been identified for an alternative bin storage area. I have not been provided with details of how many bins need to be accommodated. Even if I took the lower figure as demonstrated by the appellants photographs of five smaller bins and one commercial bin, this would still be a significant number of bins located to the front of the property. Bins stored in the front garden of the appeal property would add visual clutter to the street scene.
8. In addition, the bins would be highly visible given the location of the property at the end of the terrace and on the junction with Seaton Lane, where no street trees are present. Whilst a condition could require the installation of some form of screening, a dwarf wall, hedge or railings which would reflect the existing boundary detailing in the street would do little to minimise the visual impact. As such, I find that the appeal proposal would harmfully detract from the character and appearance of the area.
9. The appeal proposal would be contrary to Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019 which seeks good standards of design which contribute positively to townscape and protect the quality of the build environment.
10. The appellant has indicated that the approved arrangements for bin storage had left the rear area of the property open and vulnerable to anti-social behaviour. Whilst I have some sympathy with this, I have not been provided with evidence to demonstrate that securing the area would necessitate the relocation of the bin storage area.
11. I note that there were no objections to the proposal from the public but this does not alter the harm I have identified. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Alison Fish

INSPECTOR