



Appeal Decision

Site visit made on 2 August 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/N1160/W/23/3317645

843 Wolseley Road, Plymouth PL5 1JP

- 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 Mark Catchpole against the decision of Plymouth City Council.
 - The application Ref 22/01600/FUL, dated 20 September 2022, was refused by notice dated 14 December 2022.
 - The development proposed is the erection of two new dwellinghouses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area, having regard to whether or not the proximity to the side boundaries would lead to a cramped¹ development,
 - the living conditions of occupants of adjoining properties, having regard to any overbearing and/or loss of light impacts from the side elevations of the proposed dwellings, and
 - highway safety and the convenience of local residents having regard to the proposed parking arrangements.

Reasons

Character and appearance

3. This part of Wolseley Road is located within an established residential area, and in the vicinity of the appeal site on this side of the road, there are a mix of sizes and styles of buildings. The appeal property, 843 Wolseley Road, is a bungalow set down on a lower level than the road, such that it is essentially only the roof that is visible within the street scene. The property has a single detached garage raised up above the lower level and which is accessed from the road. The plot, as does all the adjoining properties, slopes quite steeply from the road down to the estuary below.
4. This run of the properties on the southern side of Wolseley Road, while with a mix of designs and appearances, generally tends to have some spacing between the residential properties or, in the case of the terrace to the west, at each end. In some cases, this spacing may be at first floor level above, for instance, a side garage, a car port or a single storey addition. Nevertheless, the modest spacing between most blocks of buildings does, when passing along the

¹ I have used the word cramped rather than crammed which is referenced in the reason for refusal.

road, provide some relief from the built development and makes a positive contribution to this section of Wolseley Road.

5. No 843 makes this contribution not only from the spacing to the sides of the bungalow but also from the space above the building itself, although this is unusual in this part of the road. To the west is 845 Wolseley Road. This is a more recent building and gives the impression of being a two storey building from the road, although it takes advantage of the slope and is four storeys at the back. It is, notably, set in from the side boundary with the appeal site and provides a reasonable spacing to the boundary.
6. On the other side of No 843, is 841 Wolseley Road. This is a two storey building, although with it set down, it is mainly the first floor that is visible from the road behind the stone wall. The main two storey section of No 841 is set in a little way from the side boundary with the appeal site, although on the lower level, there is a flat roofed section which provides the front door and entrance hall to the dwelling.
7. The appeal proposal seeks to demolish the bungalow and replace it with two semi-detached dwellings. They would have the appearance of two storey buildings from the road frontage but, taking advantage of the slope, would be three storeys at the rear, albeit with space included within the roof. The ridge heights of the proposed dwellings would not be unreasonable in comparison to the heights of nearby buildings in this general section of the road. The front elevation would generally align with others in this run of buildings and again would be generally acceptable.
8. However, the proposed two dwellings would extend over most of the plot width and would be positioned close to the side boundaries at two storey height, such that the development would not provide any meaningful space to the side of the plots themselves. The spacing provided by the adjoining buildings on either side would be retained, nevertheless, the bulk of the proposed dwellings, together with the tightness to the side boundaries, would result in the building appearing cramped on the plots when viewed from the road, even with the proposed height of the eaves along the side boundaries. The scheme would not make its contribution to the spacing between buildings within the street scene. In effect, this would result in an overdevelopment of the site and the tightness to the side boundaries of the plots would undermine one of the positive qualities that contributes to the character and appearance of this side of the road.
9. In this way, the proposal would not meet with the requirements of the National Planning Policy Framework (the Framework) that development should be sympathetic to local character and add to the overall quality of the area.
10. With this redevelopment of the site at No 843, there is no clear and convincing justification as to why the scheme should be constructed at what would appear as two, and at the rear three, storeys in height so close to the side boundaries. Each scheme needs to be considered on its merits. However, if permission were to be granted in this case, it would be more difficult to resist other schemes in this section of the road which also proposed a design and layout that undermined the spacing between buildings and which could further erode the character and appearance of the area.

11. In the light of the above analysis, I conclude that the scheme would appear cramped on the plots and, thereby, would unduly harm the character and appearance of the area. In this way, the proposal would conflict with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan) and the Framework which, amongst other things, requires that development proposals will be required to meet good standards of design including having proper regard to the pattern of local development and the wider development context.

Living conditions

12. The side elevations of the two proposed dwellings would appear as two storeys at the front, extending to three storeys at the rear, even taking into account the height of the eaves along the sides of the proposed dwellings. As mentioned above, these side elevations would be quite tight to the side boundaries with the two neighbouring properties. On the eastern side, No 841 has a side passageway leading to a main entrance door in a single storey flat roofed extension. There is a window in the side of the main house, which faces the side passage, and appears to help to light a fairly sizable habitable room within the dwelling. There is some planting along this boundary that partially screens and limits some light to this side window.
13. At the present time, the appeal bungalow is set back from this side boundary and this allows some daylight to be provided to the side window and the external passageway to the entrance door does not feel entirely enclosed, although the built form of No 841 itself clearly has an effect on bordering this space. There also appears to be a front facing window to this ground floor room of No 841. However, this window faces the supporting wall to the public footway and, therefore, the contribution of daylight to the internal room from this window is limited.
14. The construction of the appeal dwelling close to the boundary with No 841, and at the height proposed, would have an immediate and unduly imposing presence on the living conditions for the occupants of this adjoining property (No 841) when they were using this side passageway to their entrance door and would undermine the already limited daylight to the side window at ground floor level.
15. I have had regard to all the submissions from the appellant on this issue, including the shadowing information. It is clear that the building at No 845 has an effect on the sunlight and daylight to the appeal site. However, No 845 has some spacing from the joint boundary and its presence and impact would not justify the erection of the proposed eastern elevation so close to the boundary with No 841, with the resulting harm to the living conditions that would occur.
16. There would also be a harmful impact, albeit to a lesser extent than at ground floor level, to the outlook and daylight to a first floor side window² of No 841. Furthermore, when these occupants were in the external garden space in the general vicinity of the corner of their property, near the rear patio doors, the height and position of the proposed side elevation would have an overbearing effect on the living conditions of the occupants of No 841.

² The closest side window to the road – the other first floor side window is obscured glazed.

17. On the other side of the proposed development is No 845. This is a more recent development. It is higher than the appeal proposal and is four storeys at the back. It is a fairly prominent building, especially when viewed from the rear. However, it benefits from a reasonable side spacing to the appeal site and this spacing also provides access to the rear and to the side door of No 845A. At the present time, the garage on the appeal site has a high side wall that is positioned close to the boundary with No 845. This already creates a prominent feature for the occupants of the adjoining property when using the side passageway.
18. The proposed dwelling on this side of the appeal site would be built close to the boundary and be higher and extend further back than the existing garage building. The height, extent and closeness of the side elevation of the proposed dwelling to No 845 would create an unattractive and unduly imposing construction for the occupants of this adjoining property when they were using the side passageway and, in particular, for the occupants of No 845A when they were accessing their accommodation. The side elevation of the proposed dwelling would be such as to create an unacceptable overbearing effect and, thereby, would unduly detract from the living conditions of the occupants of this neighbouring property.
19. To conclude, the development, by reason of the scale, height and proximity of the side elevations, would cause an unduly dominant and unacceptably overbearing impact on the living conditions of the occupants of the two adjoining residential properties. In addition, there would be undue effect to the already limited daylight to a ground floor window of No 841, and to the outlook and daylight to an upper side window. As a consequence, the scheme would conflict with Policy DEV1 of the Local Plan and the Framework which, in this respect, seeks to ensure that new development creates places with a high standard of amenity for existing and future users.

Highway safety and the convenience of local residents

20. At the present time, the appeal site benefits from a single garage which the evidence indicates was permitted in 1988. It is accessible from the road, although the garage is reasonably narrow and, therefore, may not be sufficiently wide to accommodate all modern vehicles.
21. In this stretch of road there are some properties that have off-road car parking, almost all with the need to reverse in or out of the space using the road as a manoeuvring area. However, for quite a few properties there is no off-road parking space available. These local residents, if they have a car, are required to park on the road. With the reasonably restricted width of the road, parking is available only on one side and with the number of dwellings in the locality the evidence indicates that parking is an issue locally. This is confirmed by the appellant who comments that there is a difficult nature of parking on the street and also by some local residents at the application stage who refer to the chronic shortage of on-road parking spaces. I have found no reason to disagree with the concerns with the car parking situation.
22. A Supplementary Planning Document³ (the SPD) has been adopted by the Council to amplify and give guidance on the implementation of the Local Plan. I

³ Plymouth and South West Devon Joint Local Plan 2014-2034 – Supplementary Planning Document – Adopted July 2020.

attach it significant weight in support of the Local Plan policies and, in particular, the section which sets out detailed requirements to support the implementation of Policy DEV29 of the Local Plan which covers provisions relating to transport.

23. The SPD requires the provision of two spaces per dwelling for each three bedroom unit, and sets the dimensions for such spaces. In this case, the plans show a garage space to each dwelling, however, the space in front of the garage has not been clearly shown on the plans to be of sufficient depth to park an additional vehicle, even though the garage door is recessed in the building. With the provision of a comprehensive redevelopment of the site with additional floorspace and, therefore, potentially an increased number of occupants, I consider that the development should, in this location with the identified car parking issues, meet with the appropriate standard.
24. A garage space is shown on the plans for each dwelling, although the rear of the garage is shown as a bin store area. This reduces the amount of space available for parking to below the required dimensions. The appellant explains that the bin store area could be repositioned to the frontage of each property. However, there are no detailed plans as to how this would appear visually in terms of the design of the properties and the street scene. Other properties may have this arrangement, but this would not make the situation good planning.
25. Furthermore, the Procedural Guide: Planning Appeals – England explains that if an appeal is made the appeal process should not be used to evolve a scheme. There could be potential prejudice if I was to consider this amendment to the scheme at this stage, because this would not be the proposal which was before the Council for consideration and on which local residents commented.
26. Consequently, I consider that the evidence indicates that the garage dimensions would not meet with the standard required by the SPD. This would mean that the spaces were less likely to be able to be used and the position of the bin stores, with a vehicle potentially hampering the ability to allow easy and regular access to the back of the garage, may also reduce the incentive for a vehicle to be parked off the highway.
27. Even if the dimensions of the two garages were considered acceptable, only one space for each dwelling has been demonstrated on the plans to be able to be provided and this would not meet with the off-road parking requirements in any case. This sub-standard on-site parking provision would likely lead to increased road side parking by occupants of the site. Given the parking situation this would be unlikely to be able to be absorbed into the local area without adding to the already parking shortages. This would lead to reduced opportunities for other local residents seeking to park by the road side and may lead to parking close to the nearby junction or other accesses that could then lead to further inconvenience, and potentially highway safety issues for other motorists.
28. One of the highway reasons for refusal raises the concern with the inability of the scheme to allow vehicles to enter the site, turn and leave in a forward gear. I appreciate that the road is classified, serves traffic from many properties in this area and is a regular bus route with a bus stop in front of the site. However, the road is reasonably narrow, and one side has cars parked. This has the effect of generally slowing traffic in the vicinity of the appeal site.

There are also other properties along this section of road which have parking spaces where it is necessary to use the road to manoeuvre into the site to park. No clear evidence has been provided that this has led to accidents or incidents that have affected highway safety. In these circumstances, even with the position of parked cars and the bus stop, from the point of view of this proposal, I am not persuaded that the need to reverse into the site from the road, which is the likely arrangement so as to leave the site in a forward gear, would cause a highway hazard in itself. While this could lead to the occasional inconvenience to other road users while the manoeuvre took place, this specific aspect of the scheme would not cause an unacceptable impact on highway safety.

29. Drawing these matters together, while I have found that the lack of on-site turning would be acceptable, I conclude that the sub-standard parking provision that I have identified above would lead to increased levels of on-road parking that would cause inconvenience to local residents and potentially unacceptable harm to highway safety. In these respects, the scheme would conflict with Policy DEV29 of the Local Plan and Framework.

Planning Balance and Conclusion

30. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴.
31. The scheme would provide a small boost to housing supply on a windfall site, making effective use of the land. There would be economic and social benefits to the area during construction and in subsequent occupation. The two dwellings would provide a high standard of amenity for future occupiers and in a location with good access to local services and facilities, including convenient travel by bus. However, as only one additional dwelling would be provided by the scheme, I attribute the cumulative benefits limited weight.
32. On the other hand, I have found that the scheme would unduly harm the character and appearance of the area, adversely affect the living conditions of occupants of the adjoining buildings and that parking aspects of the scheme would be unacceptable, leading to inconvenience to local residents and highway safety concerns. These are serious objections to the scheme and collectively they merit substantial weight against the proposal. They are such that the development would conflict with the development plan when considered as a whole.
33. Accordingly, the harm and policy conflicts would not be outweighed by the benefits of the scheme. For the reasons set out above, the scheme would not comply with the development plan and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.