

# Appeal Decision

Site visit made on 11 September 2023

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29.09.2023**

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**Appeal Ref: APP/N1160/D/23/3320877**

**198 Taunton Avenue, Plymouth PL5 4EP**

- 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 Sean Dyer against the decision of Plymouth City Council.
  - The application Ref 22/02010/FUL, dated 2 December 2022, was refused by notice dated 9 February 2023.
  - The development proposed is for the erection of a bike store.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The planning application form describes the proposed works as the retention and reduction of bike store, whilst 'retention' does not constitute development itself, a structure was in place at the time of my site visit. I note that the proposal before me is to reduce the roof height and its overhang and I have determined the appeal on this basis.

## Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 196 Taunton Avenue, with specific reference to light and outlook.

## Reasons

### *Character and Appearance*

4. A flat roof timber structure has been erected within the front garden of the host dwelling, largely filling the gap on the western side between it and the public footway. It is also built up to the side boundary with no196, which is on lower ground due to the local topography.
5. The quality of the subject building is quite high, however by virtue of its siting and scale it appears as a highly incongruous feature in the street scene. The reduction in height of the roof and its overhang would be slight and overall. I consider that these changes would make very little difference from the current situation.
6. I note that the bike store was built to house the appellant's motorbike and work tools in an area where van break-ins and bike theft has been common, and which the appellant has suffered from, to which I sympathise. However it has not been

substantiated that the building is the minimum necessary to fulfill its function. The proposed structure would be substantial in scale and out of character with its surroundings.

7. I appreciate that Plymouth City Council declared a climate emergency and has published a Climate Emergency Action Plan with a mobility section, however with many planning decisions, a balancing of all material considerations must be carried out. I accept that Policy DEV10 of the Plymouth Joint Local Plan states that development proposals should look for opportunities to design-out crime and fear of crime in the layout of development, but as I have highlighted above, it has not been demonstrated that such a large structure is required to meet the appellant's needs.
8. I acknowledge the reference to the bike shed being preceded by tall conifers and the appellant's work van being parked up every evening on the driveway, however the parking of such a vehicle does not constitute development, and in any case the bike store would not replace the van and would therefore still be visible in the street scene in addition to the subject building. With regard to the reference that the character of the street must be worth maintaining, this is ultimately suggesting that 'anything goes', however the appeal building is a substantial structure that causes visual harm nonetheless. Therefore, I consider that the proposal is contrary to Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (2019) (JLP), in that the proposal would not contribute positively to local townscape, fails to have proper regard to the pattern of local development and the wider development context and surroundings in terms of, amongst other things, siting, layout, visual impact, scale, massing and height.

#### *Living Conditions*

9. 196 Taunton Avenue has a ground floor window in close proximity to the appeal proposal, the outlook therefrom would already have been impeded in a forward (northeast) direction and to the east by its elevated front garden vegetation and boundary walls. The appellant stipulates that the living conditions of those at no196 have improved as a result of the development, with their outlook widened and lighted compared to overshadowing that previously existed.
10. However this has not been substantiated and the planning system operates in the wider public interest, and notwithstanding no objections being raised by the neighbour, with the occupation of dwellings being transitory, I can only conclude that the proposal would have a harmful effect upon the outlook from the neighbouring dwelling, contrary to the Plymouth and South West Devon SPD. I also find the proposal contrary to JLP Policy DEV1 in that development proposals are required to safeguard the amenity of local communities ensuring, amongst other things, that it provides for satisfactory daylight and outlook for both new and existing residents.

#### **Conclusion**

11. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR