



Appeal Decision

Site visit made on 5 September 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/N1160/W/23/3314988

3-8 Connaught Lane, Plymouth PL4 7BZ

- 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 B Lynch, Lynchpin Refurbishment Ltd against the decision of Plymouth City Council.
 - The application Ref 22/01057/FUL, dated 20 June 2022, was refused by notice dated 7 December 2022.
 - The development proposed is demolition of buildings and construction of terrace containing 7no dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of buildings and construction of terrace containing 7no dwellings at 3-8 Connaught Lane, Plymouth PL4 7BZ in accordance with the terms of the application, Ref 22/01057/FUL, dated 20 June 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr B Lynch Lynchpin Refurbishment Ltd, against Plymouth City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The site falls within the 12.3km Zone of Influence for new residents having a recreational impact on the Tamar European Marine Site, comprising the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA). I will return to this below.

Main Issues

4. The main issues are:
 - the effect of the proposal on highway safety, with particular regard to the provision of off-street car parking; and,
 - the effect of the development on nationally and internationally protected sites.

Reasons

Highway Safety

5. The appeal site is narrow in nature with a long frontage to Connaught Lane. Connaught Lane is a dead-end road and is also narrow in width serving the rear

- of several residential properties fronting Connaught Avenue and Belgrave Lane. Connaught Lane and Mutley Plain Lane have double-yellow lines to both sides of the road.
6. The wider surrounding area is mixed in nature comprising residential and commercial uses. The site is located close to Mutley Plain District Centre and its associated retail and commercial services, facilities, and access to public transport.
 7. There is no dispute between the parties that the wider area is subject to parking restrictions with residents permit parking in place on nearby roads enforced by the issuing of parking tickets. The parties also agree that the provision of six off-street parking spaces for the seven proposed dwellings would be adequate given the location of the site within walking distance of the District Centre and its range of services, facilities, and public transport. I have no reason to disagree.
 8. The main dispute between the parties relates to the size of the six proposed garages and whether they would be practical and safe to use or result in increased pressure for on-street parking in an area where there are parking restrictions that would lead to further congestion and inconvenience to local residents.
 9. Due to the narrow depth of the appeal site, the garages would be approximately 3.7 metres wide and 5.2 metres deep with little scope to make them deeper. Whilst this is shorter than the 6.5 metre minimum depth for internal dimensions for a domestic garage, as detailed in the guidance in Table 29 'Parking dimensions' of the Plymouth & South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document (July 2020) (SPD), it exceeds the minimum width specified for a parking space within a domestic garage. As the proposal does not involve a parking bay to the front of a garage, the 5.5m dimension in the table does not apply in this instance.
 10. I have taken into account the evidence submitted in relation to the increasing size of cars and increasing popularity of SUV's and Manual for Streets (MfS) stating that many authorities recommend an internal minimum size of 6 metres by 3 metres for a garage. However, the space within the garage would be larger than the average sized car with the appellants tracking information demonstrating that an SUV of 4.8 metre length would be able to park within the garage. In addition, in light of the size of the garages and restricted availability of parking in the area, it is unlikely that owners of significantly larger cars would be attracted to these properties. Moreover, the lack of available parking elsewhere in the locality for the majority of the day would encourage the use of the garages and discourage parking elsewhere away from the site where owners could not survey their cars to provide secure parking.
 11. At 3.7 metres wide internally, the garage would be wider than the minimum dimension in Table 29 of the SPD and as such, there would be adequate space to the side of the cars to access them. I acknowledge that the storage of two bins within the garage would restrict movement around a vehicle but given the standard width of a car around or just under 2 metres and 3.3 metre opening for the garage door, I find that the bins would be accessible. The width of the garage would also enable the fixing of an eclectic car charging unit to the wall and with a 4.8 metre long car parked within the garage, there would be space

to the front or rear of an electric car to safely connect the charging cable should the car have a charging point to its front or rear.

12. Depending upon the width and position of the parked car in the garages, it may or may not be possible to manoeuvre the bins into and out of the garage on the day of collection. However, even if this necessitated the movement of a vehicle to enable this, it would not lead to highway safety concerns given the limited number of vehicles using Connaught Lane and the likely low speed of vehicles. In light of this, as the storage of the bins within the garage could be subject to a condition should I be minded to allow the appeal, and given the lack of space for alternative bin storage and inconvenience of alternative parking, I do not consider that such a necessity would result in bins being stored on the street or lead to parking elsewhere.
13. With regard to access to the garages, I note that paragraph 8.3.51 MfS states that the width of road/turning space required to access a garage (the 'W' width) depends on the width of the parking bay. In this case, the width of the garage door is 3.3 metres which is significantly greater than the 2.4 metres 'W' width quoted in paragraph 8.3.51 of MfS. As a result, the width of the garage would allow for a reduction in the 6 metre space to the front of the garage required to manoeuvre into and out of it. Paragraph 8.3.52 of MfS states that swept-path analysis can be used to assess the effect of oversized space on the required manoeuvring space. The application is supported by tracking plots demonstrating that despite the narrow nature of the road, given the width of the garage door opening, a car would be able to enter and exit the garages in a single manoeuvre as required by paragraph 13.72 of the SPD.
14. I acknowledge the Council's evidence that a single manoeuvre into and out of the space is unlikely as it could result in damage to wing mirrors with the constant noise from any car parking sensors. However, the size of vehicle tracked on the swept-path by the appellant would cater for a large number of cars with noise from car sensors when accessing garages and parking spaces being usual. Moreover, even if more than one manoeuvre were required to enter and exit the garage, in light of the narrow nature of Connaught Lane serving a restricted number of dwellings, vehicle numbers would generally be low with vehicles travelling at a low speed reducing any likely conflict. In addition, such manoeuvring would not be uncommon on the lane given the presence of other similarly restricted accesses. As a result, access to the spaces would be possible, the spaces usable and unlikely to result in overspill parking on surrounding streets, result in significant highway safety concerns, negatively affect occupiers of neighbouring properties or create a disturbance.
15. In light of the above, I conclude that the proposal would not harm highway safety, with particular regard to the provision of off-street car parking. Accordingly, the appeal scheme would not therefore conflict with Policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (March 2019) (LP) or the National Planning Policy Framework (the Framework). Amongst other things, these require that development provides safe and satisfactory traffic movement and vehicular access to and within the site with development only prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

Nationally and internationally protected sites

16. The site falls within the 12.3km zone of influence around the Tamar European Marine Site. The SAC and SPA are extensive areas of shallow inlets and bays, estuaries, mud and sand flats, salt meadows, reefs and subtidal sandbanks.
17. The SPA and SAC are protected via the Habitats Directive, which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I am statutorily required to take appropriate steps to conserve biodiversity.
18. The SPA and SACs are designated in order to safeguard ecology and the habitat upon which various species are reliant, notably in this instance Allis Shad, Atlantic Salt Meadows, Avocet, Little Egret, Native Oyster and Smelt.
19. Whilst not a precise correlation, the potential for adverse effects increases with the number of dwellings in combination with other development nearby, including within a wide zone of influence (and therefore the aggregate, or in-combination, implications of a number of smaller developments may be significant). Habitats Regulation 63(1) states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. I have sought to apply that requirement reasonably and proportionately relative to the nature and context of the development proposed.
20. The avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of communications, marketing and awareness initiatives, preparation of codes of conduct for a variety of coastal activities, enhanced monitoring research and assessment, and via a delivery officer and management support. The contributions that individual schemes are expected to make in that context are established at a strategic level, such that a proportionate contribution is made in each instance funded by Community Infrastructure Levy (CIL) receipts. I have consulted with Natural England which has confirmed that the payment is sufficient to avoid adverse impacts on the SPA and SACs. As CIL receipts are collected via payment under the CIL Regulations, there is no need for a legal agreement to secure payment as part of this appeal.
21. The Plymouth Sound and Estuaries European Mitigation Site Recreation Mitigation and Management Scheme (November 2019) sets out the approach towards ecological mitigation and has been arrived at in conjunction between Plymouth City Council, South Hams District Council, West Dorset Borough Council, Cornwall Council, and in consultation with Natural England, the appropriate nature conservation body under Regulation 63(3). The approach has been formally adopted within the SPD that details the mitigation required per dwelling to be secured via the Community Infrastructure Levy as detailed within the Developer Contributions Evidence Base (April 2020). Consequently, subject to appropriate financial contributions being made via CIL, I am satisfied that likely significant effects to the ecological integrity of the SPA and SACs would be avoided.
22. In conclusion, I am satisfied that with the proposed avoidance and mitigation measures in place, secured through the CIL receipts, the development would not have an adverse effect on nationally and internationally protected sites. The development would therefore comply with the Conservation of Habitats

and Species Regulations 2017. It would also accord with LP Policy DEV26 and the SPD which, amongst other things, seek to ensure that residential development within 12.3km of protected European and internationally protected sites provide mitigation and avoid harm arising on the Tamar European Marine Site SAC and SPA.

Conditions

23. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
24. In light of the narrow access to the site and uneven road surface, conditions are necessary to ensure the submission of a Construction Traffic Management Plan and highway dilapidation survey prior to the commencement of development. This will ensure the suitable management of construction vehicles and the condition of the lane in the interest of highway safety.
25. A further condition is necessary to secure agreement to suitable materials in the interests of protecting the character and appearance of the area.
26. Conditions are necessary to ensure that the car parking spaces, and cycle storage parking areas are provided prior to first occupation in the interests of highway safety and maximising the use of alternatives to the car. A condition is necessary to secure garage doors that do not overhang the highway in the interests of highway safety.
27. A condition is necessary to ensure the submission and provision of details of electric charging points prior to first occupation in the interests of minimising carbon emissions. Whilst I have considered the appellant's evidence with regard to requirements under Building Regulations to make provision for electric vehicle charging, I find a condition reasonable and necessary given that it is required in accordance with Policy DEV29 of the LP and associated SPD.
28. A condition is necessary to ensure the submission of details of and the provision of 8 bird nesting boxes in the interests of the enhancement of wildlife.
29. Given the tight nit nature of the residential environment around the site, a condition is necessary to remove permitted development rights for enlargements and improvements to the dwellings in the interests of protecting the living conditions of surrounding occupiers.
30. A condition is necessary to ensure that the refuse and recycling bins are stored within the garage other than on collection days in the interest of highway safety and the living conditions of surrounding occupiers.
31. The Council have suggested a separate condition requiring the development to be carried out in accordance with the submitted drainage plan. However, this is not necessary or reasonable as this is covered under the condition detailing the approved plans.
32. The Council have also suggested a condition regarding sound insulation to the dwellings but given the new build nature of the proposal and, as this is covered by other legislation, I do not find such a condition reasonable or necessary.

Conclusion

33. For the reasons given I conclude that the appeal should succeed.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan 2205 4 PL 01 Rev 00
 - Proposed Site Plan and GF Plan 2205 4 PL 03 Rev A
 - Proposed Roof Plan and Block Plan 2205 4 PL 05 Rev 00
 - Existing and Proposed Elevations 2205 4 PL 06 Rev A
 - Proposed Section 2205 4 PL 07 Rev 00
 - Proposed Elevation 2205 4 PL 08 Rev A
 - Building Elevations JWP122_EL Rev 0
 - General Drainage Layout 11392-AAC-XX-XX-DR-C-C100 Rev P3
 - Proposed Site Plan and GF Plan 2205 4 PL 03 Rev B
 - Swept Path Analysis Standard Design Vehicle 226452_PD01_AT01 Rev B
 - Garage General Arrangement 226452_PD01
 - Proposed First and Second Floor Plan 2205 4 PL 04 Rev A
- 3) The development hereby approved shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The said CTMP shall include a detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The works shall be carried out strictly in accordance with the approved CTMP.
- 4) No works shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority which shall have been submitted to and been approved in writing by the Local Planning Authority. The survey shall assess the existing condition of all highway infrastructure which will be impacted upon through the construction activities associated with the development hereby approved. This shall include routes to and from the site being used by construction traffic.
- 5) Notwithstanding the approved drawings, development shall not proceed past damp proof course until full details of the materials to be used in the

construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 6) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.
- 7) The dwellings shall not be occupied until space has been laid out within the curtilage of each dwelling in line with the approved drawings for a minimum of 2x bicycles to be securely parked. The secure area for storing bicycles shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.
- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for the provision of 1 standard electrical vehicle dedicated charging point per dwelling. The electrical vehicle charging points shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.
- 9) Prior to the first occupation of the dwellings, plans detailing the specification and locations of 8 bird nesting boxes shall have been submitted to and approved in writing to the Local Authority. Thereafter the works shall be carried out in accordance with the approved details.
- 10) The door to the garages hereby permitted shall be of a type that does not project beyond the face of the garage when open or being opened.
- 11) Notwithstanding the provisions of Article 3 and Classes A, AA, B, C and D of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations shall be carried out to the dwelling hereby approved without the express consent in writing by the Local Planning Authority. This includes alterations to or insertion of windows and any alterations to the roof.
- 12) Refuse and recycling bins shall be stored within the garages and designated areas on the approved plans, at all times apart from collection days.

*****END OF SCHEDULE*****