



Appeal Decision

Site visit made on 3 October 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2023

Appeal Ref: APP/N1160/W/23/3316915

3 Fegen Road, Plymouth PL5 1HY

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by N Mears against the decision of Plymouth City Council.
 - The application Ref 22/01194/PIP, dated 12 July 2022, was refused by notice dated 19 August 2022.
 - The development proposed is to construct a detached dwelling, form off road parking and garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle, and the second ('technical details consent' stage) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. As such, I have regarded the submitted plans as indicative only.

Main Issues

4. The main issues are whether the site is suitable for residential development, in terms of the amount of development, with particular regard to (i) the effect of the proposed development on the character and appearance of the area, (ii) whether the proposal would provide an acceptable living environment for future occupants of the proposed dwelling in terms of adequate private amenity space, and (iii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

5. The appeal site occupies a corner plot between the return in the building line of properties along Fegen Road. The site is irregular in shape and has a steeply

sloping topography. Despite its current overgrown appearance, together with other areas of grass either in front or to the side of residential properties, the site positively contributes to the open and spacious character and appearance of the area.

6. There is a row of terrace dwellings to the west of the site and a pair of semi-detached dwellings to the south. On the opposite side of the road to the site are blocks of flats. Examples of detached dwellings are limited.
7. I agree with the appellant that the constrained and awkward shape and sloping nature of the site means that the dwelling would likely be constructed on the widest part of the site and in proximity to the boundary with No 5 Fegen Road.
8. The proposal would result in the provision of a detached dwelling on this particular site, which would be at odds with the prevailing house types and plot layout of the area. Furthermore, it would be in a position forward of the clearly defined building line and with little separation from the public realm. As such, the proposed development would be incongruent with the character and appearance of the area, and visually jarring within the street scene.
9. Furthermore, due to the likely position of the proposed dwelling, the garden would need to be provided adjacent to the side elevation. This would not reflect the distinct layout of gardens in the local area that are confined to the rear of dwellings. Moreover, this layout is likely to lead to a tall boundary treatment being required to afford the future occupants privacy. Such a feature adjacent to the pavement edge would be out of keeping with the character and appearance of the local area.
10. For these reasons, the amount of development would cause harm to the character and appearance of the area. Consequently, the proposal conflicts with Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (JLP), which collectively seek, in part, to protect the quality of the urban environment and for development to contribute positively to townscape. Additionally, the proposal conflicts with the Framework, which seeks for development to be visually attractive as a result of good layout, and be sympathetic to local character, including the surrounding built environment.

Living environment for future occupants

11. The site's sloping profile means that the private amenity space available for the future occupants of the proposed would be limited. Despite part of the garden of No 3 Fegen Road being given over to the proposed development, the garden would feel small and cramped, particularly after the proposed off-road parking spaces are provided within the site.
12. Further, the change in level between the site and No 3 Fegen Road would lead to the neighbouring building and its boundary fence forming dominant built form looming over the garden space. As such, a large area of the garden space would be overshadowed and visually dominated by the neighbouring dwelling and its fence.
13. I acknowledge that the woods around Kinterbury Creek and a play park at Barne Road are within walking distance of the site. However, their distance from the site and the fact that they are not private spaces means that they do not provide sufficient compensation for the inadequate private amenity space that would likely be formed around the proposed dwelling.

14. For these reasons, on the evidence before me the amount of development proposed would not result in the provision of an acceptable living environment for the future occupants of the proposed dwelling. As such, the proposal conflicts with Policies DEV1 and DEV10 of the JLP, insofar as they relate to the requirement for new dwellings to have good quality accommodation, including sufficient private gardens. Additionally, the proposal conflicts with the Framework, which seeks to ensure that there is a high standard of amenity for future users of development.

Living conditions of occupiers of neighbouring properties

15. The proposed dwelling's likely position would put its rear elevation forward of the rear elevation of No 5 Fegen Road. Therefore, the proposed development is unlikely to result in the development overshadowing, or dominating the outlook from, the rear garden of that property.
16. In terms of No 3 Fegen Road, the appellant has confirmed that the site would be levelled to bring the floor level of the dwelling in line with the pavement and this would result in the dwelling being set down from the ground level of the neighbouring garden. As such, the proposed development would not dominate the outlook from the rear garden of No 3 either. Furthermore, in addition to the dwelling being set down within the site, there is likely to be sufficient distance between the dwelling and the neighbouring garden to avoid harmful overshadowing.
17. For these reasons, the amount of development proposed is unlikely to cause material harm to the living conditions of the occupiers of neighbouring properties. Consequently, the proposal complies with Policies DEV1 and DEV10 of the JLP, insofar as they relate to the safeguarding of the amenity of local communities. Additionally, the proposal complies with the Framework, which seeks to ensure that there is a high standard of amenity for existing users of development.

Other Matters

18. The limited economic and social benefits from the provision of an additional single dwelling and the more efficient use of land in an accessible location would not outweigh the harm that I have identified.

Conclusion

19. For the above reasons, and having regard to other matters raised, whilst the amount of proposed development would not cause harm to the living conditions of the occupiers of neighbouring properties, it would cause harm to the character and appearance of the area and would not provide an acceptable living environment for future occupants of the proposed dwelling in terms of adequate private amenity space. In my view these are the prevailing considerations, and the development would conflict with the development plan, when taken as a whole. Material considerations, including the Framework, do not indicate a decision should be made other than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR