



Appeal Decision

Site visit made on 3 January 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2024

Appeal Ref: APP/N1160/W/23/3323776

Land at Davenham Close, Plymouth PL6 6BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Himanshu Sharma against the decision of Plymouth City Council.
 - The application Ref 23/00002/OUT, dated 3 January 2023, was refused by notice dated 11 April 2023.
 - The development proposed is erection of split level one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the Council's decision notice as the application form is left blank. The appellant's appeal form references a similar address to that shown on the decision notice and therefore none of the main parties would be prejudiced by me using this.
3. The appeal is made in outline with all matters reserved for later consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.
4. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site adjoins public footpaths and comprises a small parcel of grassed space on steeply sloping ground that is part of a gap in built form at the end of a cul-de-sac. This gap is similar to other undeveloped green spaces nearby that provide welcoming and rare breaks amongst a predominantly built up urban environment. Although there are other properties close to the footpaths, the appeal site and its surroundings make an effective use of land by defining the entranceway to these routes. Despite not being classified as formal public open space, the appeal site nevertheless provides an attractive outlook

from the residential street towards the adjoining woodland. Therefore, the appeal site is not under-utilised land that paragraph 124 of the Framework supports the development of.

7. Natural surveillance from an additional property and footpath connectivity could be maintained by the scheme. Notwithstanding representations made in respect of the indicative layout, the proposed development would provide a sustainably located property with sufficient space available for necessary parking and gardens. In that context, it is conceivable that appropriate boundary treatment could be progressed at reserved matters.
8. However, a property in this location would substantially enclose the gap between buildings. This would create an uncharacteristically cramped and hard urban edge to the pattern of local development that would restrict welcoming views into and from the adjoining footpaths and woodland. Moreover, it would harmfully erode the integration and functionality of space between the urban and natural environment. Consequently, the scheme would fail to improve the quality of the built environment as promoted within policies DEV10 and DEV20 of the Plymouth & South West Devon Joint Local Plan 2014-2034, March 2019 (JLP) and guidance contained within the Council's JLP Supplementary Planning Document, July 2020 (SPD).
9. Therefore, the proposal would cause harm to the character and appearance of the area. As such, it would be in conflict with policies DEV10 and DEV20 of the JLP and the Council's SPD. There would also be conflict with paragraph 135 of the Framework which, amongst other things, says decisions should ensure developments maintain a strong sense of place, using the arrangement of spaces to create attractive, welcoming and distinctive places to live.

Other Matters

10. I have had regard to other matters raised including air, land and noise pollution; difficulties of access for construction and existing parking arrangements; sewerage pipes and drainage; street lighting; and living conditions. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Conclusion

11. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR