



---

## Appeal Decision

Site visit made on 19 February 2024

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 01.03.2024**

---

**Appeal Ref: APP/N1160/D/23/3334016**

**12 Fairview Avenue, Plymouth, PL3 6DR**

- 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 Mrs S Carty against the decision of Plymouth City Council.
  - The application Ref 23/01136/FUL, dated 27 September 2023, was refused by notice dated 2 August 2023.
  - The development proposed is described as formation of vehicle hardstanding to front garden area.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced by the National Planning Policy Framework December 2023 (Framework). Within the current Framework the paragraph numbers in Sections 9 and 12 have been changed from the 2021 version, although its content is largely unchanged. The changes introduced do not have a material impact on the merits of the appeal proposal. For the avoidance of doubt, I confirm that in this decision I have referred to the current Framework.

### Main Issue

3. The first main issue is the effect of the proposal on the character and appearance of the street scene and the area. The second main issue is the effect of the proposal on the living conditions provided by the host property. The third main reason is the effect of the proposal on pedestrian and vehicular highway safety and convenience.

### Reasons

#### *Character and appearance*

4. Fairview Avenue is a quiet residential road that occupies an elevated position on land that rises to the north and east. The northern side of the road is characterised by uniformly sited and designed pairs of semi-detached houses set behind shallow front gardens. Both the houses and the front gardens are elevated above the street level. Conversely the southern side of the road is characterised by detached and semi-detached bungalows that sit below the street level behind shallow front gardens that fall steeply away from the street. These gardens are primarily enclosed by low walls. The gaps between the

dwelling on the north side of the road facilitate views into the verdant rear gardens to the north. The dwellings on the south side of the road provide open views towards... and countryside beyond.

5. Within the highway there are small grass verges to the front of some of the pavements, although elsewhere the former verge areas have been hard-surfaced to facilitate on-street parking which straddles the road and part of the enlarged pavements. This occurs on both sides of the road, detracting from the character and appearance of the street scene and creating pinch points within the pavement and the carriageway.
6. Most of the dwellings on the north side of the road have narrow driveways to the front and sides of the dwellings, which typically slope up from the road and do not include on-site turning facilities. A number of properties on the south side of the road also have on-site parking. A few have traditional driveways that slope down to the sides and sit at a higher level to the dwellings. Others comprise raised platforms to the front of the dwellings concerned, which have blended into the street scene with varying degrees of success. The council has stated that they do not all benefit from planning permission and it is unclear when they were constructed.
7. Collectively the above features all contribute to the existing suburban character and appearance of the street scene. Further, having regard to the number of crossovers in the road, in principle an additional crossover would not look out of place within the street scene, subject to its size, design, siting and appearance.
8. The appeal property is sited towards the western end of the road and comprises a detached bungalow that sits below the highway and to the rear of a shallow front garden that slopes down steeply towards the dwelling. The property is enclosed at the front by a brick boundary wall which is low where it faces the street and taller where it faces into the front garden. To the front of the adjacent pavement is the end section of a narrow grass verge.
9. Amongst other things policies DEV1 and DEV20 of the Plymouth & Southwest Devon Joint Local Plan 2016 (JLP), seek to create and protect satisfactory living conditions for existing and future residents. Developments should meet good standards of design, contribute positively to the townscape and protect and improve the quality of the built environment. It should have regard to the pattern of local development, achieving a good sense of place and character. Paragraph 135 of the Framework and paragraphs C1, I1 & I3 of the National Design Guide 2019 (NDG), are consistent with this. Paragraph 131 of the Framework, states that good design is a key aspect of sustainable development.
10. The council has also referred to paragraphs 13.36 & 13.75 of the Plymouth & Southwest Devon Joint Local Plan Supplementary Planning Document 2020 (SPD). However, as they relate to front extensions, garages and carports these paragraphs are not directly relevant to the proposal.
11. The proposed vehicular hardstanding would be located a short distance to the front and would stretch across the full width of the host dwelling. It would be enclosed by a wall that would be the same height as the front boundary wall and which would sit just below the front eaves line of the dwelling. A 3.5 metre wide crossover would be provided to the front of one half of the

- hardstanding, resulting in the removal of part of the front wall. At the opposite end the front boundary wall would be extended up to the pedestrian access.
12. Due to its combined height, width and siting the proposed hardstanding and pedestrian access would visually fill a significant proportion of the front garden when viewed from the street scene. It would appear hard and utilitarian and would effectively block views of the front elevation of the host dwelling. The spatial relationship between the proposed hardstanding and the host dwelling would be awkward and cramped and the overall scheme would have a strong urbanising impact on the appeal property and its surroundings.
  13. The proposed crossover would result in the removal of a short section of grass verge. However, as the grassed area concerned is narrow and located at the end of the verge, this would have a negligible impact of the character and appearance of the street scene and in-itself it would not weigh against the proposal.
  14. Whilst the proposed crossover would not result in material harm to the character and appearance of the street scene and the area, the proposed hardstanding would. It would cause considerable harm both to the character and appearance of the host property and the surrounding area. Further, this harm would outweigh the personal and other benefits that would result from the provision of on-site parking, the reduced demand for on-street parking and the provision of an on-site electric vehicle charge point.
  15. It is acknowledged that there are a number of elevated parking bays to the front of some of the nearby properties. However, none are directly comparable to the appeal scheme and as stated above they have blended into the street scene with varying degrees of success. Rather than set a precedent they highlight the need to assess each proposal on its individual merits and in accordance with the prevailing planning policies.
  16. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the street scene and the area. Accordingly, it would conflict with JLP policies DEV1 & DEV20, NDG sections C1, I1 & I3 and paragraph 135 of the Framework.

#### *Living conditions*

17. Due to its combined height, width and proximity to the two bay windows, the rear wall of the proposed hardstanding would completely dominate and have an oppressive and enclosing impact within the rooms and on the outlook from the adjacent front facing bay windows. This impact would be exacerbated both by the presence of a vehicle parked on the hardstanding and the associated loss of daylight within the rooms concerned. I acknowledge that the proposed wall would be no higher than the existing front boundary wall. However, the front boundary wall is located several metres away and thus facilitates views over the front garden and towards the houses and gardens on the opposite side of the road.
18. For these reasons the proposal would have an enclosing and oppressive impact on the environment within the two front facing rooms. This would have an unacceptable impact on the living conditions provided within the dwelling. I appreciate that the current owners/occupiers of the appeal property may consider that the benefits of the proposal would outweigh such harm, this is

not a reason for allowing a proposal that would result in a poor living environment in the rooms concerned.

19. I conclude on the second main issue that the proposal would have an unacceptable impact on the living conditions of the current and future occupiers of the appeal dwelling. Accordingly, it would conflict with JLP Policy DEV1 and paragraphs 131 & 135 of the Framework.

#### *Highway safety*

20. JLP Policy DEV29 requires development to positively contribute to the achievement of a high quality, effective and safe transport system. It should provide safe and satisfactory traffic movement and vehicular access to and within the site. Proposals should also ensure sufficient provision and management of car parking, to protect surrounding residential areas and ensure the safety of the highway network.
21. Paragraph 114 of the Framework states that proposals should ensure that safe and suitable access to the site can be achieved for all users and that any significant impacts on highway safety can be effectively mitigated to an acceptable degree. Proposals should have regard to the type of development and its location and the design and standard of parking areas should reflect current national guidance, including the National Design Guide and the National Model Design Code. Together paragraphs 115 & 116 of the Framework states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Proposals should give priority first to pedestrian and cycle movements and create places that are safe and which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
22. Section M3 of the National Design Guide (NDG) encourages well designed and conveniently located parking. This includes the avoidance of on-street parking resulting in congested streets and the provision of sensitively integrated electric charging points. The SPD includes parking standards for new housing developments which seek to avoid adverse impacts such as excessive on-site or illegal parking; and to ensure the safety of the highway network. It does not specifically address established residential areas that are reliant on at least some on-street parking. Notwithstanding this, the SPD advises that the highway authority has a duty to maintain the safety and functionality of the roads and that development has an acceptable impact on the highway network.
23. The proposed parking area is designed for cars to be parked widthways, so that they would need to be reversed either into or out of the parking area. Drivers would also have to manoeuvre vehicles through a 3.5 metre opening and across a crossover that would similarly be 3.5 metres wide. Due to the modest depth of the hardstanding such manoeuvres could result in vehicles encroaching outside the confines of the crossover and dropped kerb. It could also result in damage to the pavement and dropped kerb.
24. For these reasons the proposal would unacceptably compromise pedestrian safety. Having regard to the constraints of the proposed hardstanding and associated crossover this potential harm could not be satisfactorily addressed without material changes to the scheme and so is not a matter that could be dealt with by condition.

25. I conclude on the third issue that the proposal would have an unacceptable impact on highway safety. Accordingly, it would conflict with JLP Policy DEV29, the SPD, paragraphs 114, 115 & 116 of the Framework and Section M3 of the NDG.

**Conclusion**

26. The conclusions on the main issues represent compelling reasons for dismissing this appeal.

*Elizabeth Lawrence*

INSPECTOR