



Appeal Decision

Site visit made on 12 February 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/N1160/W/24/3344239

4 Melrose Avenue, Plymouth PL2 3RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Thompson of Sonder Homes Limited against the decision of Plymouth City Council.
 - The application Ref is 24/00290/FUL.
 - The development proposed is described in the application as “addition of a new dwelling into a large garden, demolition of a garage”.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling and demolition of a garage at 4 Melrose Avenue, Plymouth, PL2 3RG in accordance with the terms of the application, Ref 24/00290/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Following the Council's notice of decision, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. The main parties have made representations in this respect. I have had regard to these comments in my decision.
3. The appellant has provided a location plan with a different reference to that shown on the Council's decision notice. It is marked as including street names. The Council has had an opportunity to comment on this. Therefore, in accepting it, I am satisfied it would not cause unlawful procedural unfairness to anyone involved in the appeal.
4. The description of development in the decision above is taken from the application form. The original description set out in the banner heading above includes language that is not an act of development. I have therefore altered it to leave out the superfluous.

Main Issue

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

Reasons

6. The appeal site is located within an urban area and comprises a semi-detached dwelling with its associated gardens. The surrounding area is characterised by a range of house designs including 1, 2, and 3 storey buildings, each with a variety

of frontages, garden space and gaps in between. Unlike other similarly designed pairs of semi-detached properties found in Melrose Avenue and Fountain Close, the appeal site adjoins the long rear gardens associated with properties located some distance upslope of it. A number of outbuildings are positioned at the bottom of these gardens near the appeal site. Notwithstanding the positive contribution made by a number of well-established trees in the vicinity, this built form, together with the outbuilding that would be replaced, is somewhat cluttered in its appearance and adds little to the quality and attractiveness of the otherwise pleasant area.

7. In that context and having paid regard to the Council's Plymouth & South West Devon Joint Local Plan (JLP) Supplementary Planning Document (SPD), despite a modest forward projection and being marginally taller than its host, the proposed detached dwelling would follow the land contours. It would be positioned immediately to the side of the host property, orientated to front the road, which would assist in linking the development to the surrounding neighbourhood. The scheme would create a visual extension to the L shaped building that would not appear excessively tall or out of place.
8. Additionally, while on the boundary with neighbouring gardens, a generous separation distance between properties would be maintained. This would reflect the area's prevailing spacious character as promoted in paragraph 129 of the Framework. Moreover, the narrow-designed building with simple form and detailing would be visually attractive, adding to the overall quality of the area, which would align with paragraph 135 of the Framework.
9. It is acknowledged that the proposal would remove some of the associated wrap around garden area that is part of the host property. However, with the removal of the outbuilding, a generous set back from the road would be maintained for both properties. Although the building of a property next to the host would enclose it, the remaining front and rear garden spaces would maintain a similar housing layout pattern without being unduly cramped. In that respect, each property would be assigned a suitable amount of useable garden space to the front and rear.
10. For the reasons given, I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. As such, there would be no conflict with policies DEV10, DEV20, SPT1, SPT2, and SO11 of the JLP. Collectively, and amongst other things, these policies seek to protect the quality of the urban environment, preventing 'town cramming', ensuring proposals have proper regard to the pattern of local development, creating sustainable linked neighbourhoods, providing a good balance of house type.

Other Matters

11. I have paid regard to the comments made in respect of the living conditions of nearby neighbours. In that context, the dwelling would include a narrow, obscure glazed window on one of its side elevations. This would serve to provide natural light into stairwell areas of the dwelling. It would be positioned at ground and first floor level, some considerable distance from the nearest properties. Although next to neighbouring gardens, as it would not serve habitable rooms, existing levels of privacy would consequently be maintained.
12. Furthermore, even though the height of the building next to these gardens would be likely to produce additional shading, there is sufficient space surrounding the

proposal to ensure that its effects would not be overbearing or significantly reduce light available to the adjoining outdoor garden spaces. In the absence of any compelling evidence to the contrary, the scheme would have an acceptable effect in this regard.

13. There are representations made regarding noise and disturbance associated with a new dwelling. However, the appeal site is already in a residential use, and therefore it would be unlikely that occupants would generate any more noise or disturbance above current levels. In that context, there are concerns over noise and disturbance during the construction phase. The scheme is however of a very small scale and nuisance would consequently be likely to be short lived.
14. My attention has been drawn to appeal decisions at 19, Meadow Park and land at Davenham Close; both with different outcomes. Neither of these other sites is in the same location or directly comparable with this scheme. I agree with the Council that it is important that each case is assessed on its merits.

Conditions

15. I have made some amendments to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.
16. I have imposed a plans condition in the interests of clarity. Prior to any development commencing it is necessary to impose a condition to ensure flood risk and drainage is dealt with appropriately, though it is not reasonable to bind the required details to other strategies or standards. Similarly, the suggested compliance condition relating to the requirements of South West Water would not be reasonable or necessary as this matter would be covered by a separate regime. I have not imposed this condition.
17. I have not imposed the suggested renewable energy condition as it includes reference to a proposal not included in the plans. It is therefore not sufficiently precise or enforceable. Furthermore, there is little to show the scheme would conflict with Policy DEV32 of the JLP.
18. I have not imposed the suggested sight line condition as there are none shown on the plans with which to comply with. It is not sufficiently precise. In any case, the access arrangements largely reflect an existing scenario where I observed that visibility out of the appeal site would not be restricted. Drivers of vehicles would be likely to creep forward and emerge onto the local estate road where pedestrians would be anticipating such movements. As such, a safe and satisfactory vehicular access to and within the site would be achieved in accordance with Policy DEV29 of the JLP.
19. I have imposed a parking compliance condition in the interests of highway safety and to ensure adequate provision is delivered. A scheme for cycle parking is necessary to promote high quality facilities as an alternative to the use of vehicles. Additionally, a condition is needed in the event that unexpected contamination is found during construction.
20. The comments of the Natural Infrastructure Planning Team are acknowledged, though it is conceivable that the frontage to the existing property could be hard surfaced without the express grant of planning permission. Even if some small trees were to be removed, there are numerous well-established trees in the

surrounding area. Accordingly, it would not be necessary to impose a condition requiring a tree constraints plan. It is also noted that the Council has not suggested the inclusion of such a condition.

Conclusion

21. For the reasons given, I conclude that the appeal should succeed.

J Hills

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three 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 L7431 000-010 Rev P02 dated 24/03/04; Existing and Proposed Site Plans L7431 100-000 Rev P01 received 07/03/24; Roof Plans L7431 100-001 Rev P01 received 07/03/24; Proposed Elevations L7431 200-020 Rev P01 received 07/03/24; and Plans L7431 200-000 Rev P01 received 07/03/24.
3. No development shall take place until a Flood Risk Assessment (FRA) or Surface Water Drainage Strategy (SWDS) has been submitted to the local planning authority for written approval. The FRA or SWDS shall contain compliant infiltration tests and a Ground Investigation Study along with maintenance and management details. Development shall be carried out in accordance with the approved scheme.
4. The dwelling shall not be occupied until the car parking areas shown on the approved plans have been drained and surfaced in accordance with the approved details, and these areas shall not thereafter be used for any purpose other than the parking of vehicles.
5. The dwelling shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the local planning authority for a minimum of 3 bicycles to be securely parked. The approved scheme shall thereafter remain available and shall not be used for any other purpose.
6. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.