



Appeal Decision

Site visit made on 8 May 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/N1160/W/24/3356086
132 Devonport Road, Plymouth, PL1 5RF

- 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 L Elisseos against the decision of Plymouth City Council.
 - The application Ref is 24/01031/FUL.
 - The development proposed is conversion of existing garage into a 2 storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) the effect of the development on the character and appearance of the area, in particular a designated Conservation Area; (b) whether the development would secure an acceptable standard of accommodation for future occupiers, and (c) whether the proposed development would result in a harmful loss of car parking and impact on highway safety.

Reasons

Character and appearance

3. The appeal site lies within the Stoke Conservation Area (SCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (December 2024) (NPPF) and in policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (2019) (JLP).
4. There is no adopted Conservation Area Character Appraisal for SCA and I have therefore based my assessment on the submitted evidence and my observations on site. I note that the Appellant refers to the lack of an Appraisal but that is not, in my view, uncommon and does not prevent an appropriate assessment being made.
5. The appeal proposal involves the conversion and extension of an existing garage at the rear of 132 Devonport Road (No.132). The host property is an unlisted building that forms part of a terrace of similar 3 – 4 storey properties that appear to have been built in the late 18th or early 19th Century. Most of the original features and architectural detailing have been retained with their front gardens enclosed by low railings adding to the positive contribution the terrace makes to this part of the SCA.

They form part of a suburb of similar tight terraced plots from the late Georgian and Victorian period, particularly to the south and south west of the appeal site, where the properties are mostly two storey. At the rear of a number of these properties, including the appeal site, are a network of service lanes and yards that form a strong characteristic of the late Georgian and Victorian development. The largest of these appears to be Trafalgar Place Lane (TPL) which runs north south to the rear of the appeal site.

6. TPL, as with some of the other lanes, still retains evidence of commercial uses and historic coach houses as well as original limestone boundary walls, although large parts have been replaced by more modern single storey garages and buildings. Its character remains that of a service lane with most of the buildings that front onto the lane either domestic garages or outbuildings. The lanes, with their nominal pavements, comprise cobbled granite setts and combined with their narrowness they exhibit an intrinsic and special character of their own. The latter, on TPL, contrasts with the formality of the main streetscene to Devonport Road and it adds to the overall richness and historic character of the area.
7. All of the above factors contribute, in my judgement, to the special interest and significance of the SCA as a whole.
8. The proposal would involve the conversion of the existing garage, the construction of a single storey flat roofed extension to its rear and the construction of a first floor with pitched roof. The concrete façade to the garage would be retained and its garage doors replaced by large windows. An existing gated pedestrian passage that runs along the northern side elevation of the garage would be retained as this provides rear access to the host property (divided into three flats) and would also provide access to the front door of the new dwelling. The new first floor would extend over this passageway up to the common boundary with 130 Devonport Road (to the north).
9. Whilst I accept that the retention of the concrete façade to the garage would reduce the amount of change to the streetscene, the garage is not an original building and it is a feature of very low quality. The garage does not contribute to the character or significance of No.132 and detracts from the special interest of this part of the SCA. Its negative impact on the area would be compounded by the proposed design and the mix of styles and materials on the front elevation. The concrete façade would be painted render with large aluminium windows that include vertical timber board below and vertical timber battens above. The new first floor extension visible above the gate would comprise hung natural slate with the roof above also natural slate with rooflights and a solar PV array.
10. The result of all these different elements is a poor quality design and a cluttered and ununified appearance that would not preserve or enhance the setting of No.132 or the character or appearance of the SCA.
11. The scale, height, form and mass of the appeal proposal would also, in my view, be excessive for this part of TPL. It would appear overly large and out of character with its immediate context of smaller scale garages and outbuildings. As such, it would not reflect the built rhythm of development on this part of the lane. The proposed pitched roof would not represent a sympathetic addition to the area, mostly characterised by smaller scale garages and would be highly visible and prominent, sited above the very poor quality concrete façade of the garage.

Overall, the proposal results in an unbalanced addition to the streetscene that would not sit comfortably on the appeal site. It would represent a discordant and visually dominant development that would harm the contribution that this lane makes to the character and special interest of the SCA.

12. Turning to policies DEV10 and DEV20 of the JLP these require new development to, amongst other matters, integrate with adjoining development and to not appear as an unrelated addition, secure a good standard of design and a locally distinctive design. As I have found, the proposal represents a poor quality design and is not in any way distinctive. The proposed new dwelling would sit on its own and would not be related or integrated with any similar development or dwellings on adjoining sites on this part of TPL. It would, therefore, appear as an unrelated addition to the lane that is out of character with the prevailing pattern of development.
13. In relation to the comments on designing out crime, I understand the concerns that have been raised but I am not convinced that this issue alone would be sufficient in itself to justify the refusal of planning permission.
14. The Appellant refers to the appeal proposal as a traditional mews development. I do not agree. That form of development is not typical of this lane. Moreover, a traditional mews development normally comprises a number of properties in the form of a row or courtyard that historically were former stables or carriage houses or in some cases workshops. It could not, in my view, be used to describe a proposal for an isolated single dwelling on a lane that is largely characterised by single storey garages and outbuildings.
15. Reference has also been made to similar developments in the area. In relation to 67 TPL, this is located on the corner with Portland Road and does not purely face onto the lane. I understand it also relates to a much larger former carriage house and store building. It effectively bookends the lane, retains traditional materials and detailing and aligns with other nearby terraces. The other examples referred to appear to have no planning history, are well divorced from the appeal site and not part of the streetscene or the SCA, are historic and not in residential use.
16. None of these examples are, therefore, comparable to the appeal proposal and they do not affect my findings on this issue. Even so, each application should be determined on its individual merits and its local context, and that is the approach that I have adopted in this case.
17. For the reasons set out above, I find that the appeal proposal would result in harm to the character and appearance of the area. It would also not preserve or enhance the character or appearance of the SCA. In view of the latter and as is required by the NPPF, considerable importance and weight must be attached to the harm to this heritage asset. The appeal proposal would lead to less than substantial harm to the significance of this heritage asset, the level of harm being high, which must be weighed against any public benefits of the development.
18. The provision of a new dwelling on the appeal site would be a public benefit, as would employment during construction. However, the contribution to housing supply would be small and the employment would be short term, and I would, therefore, only accord limited weight to these benefits. As such, neither these benefits nor any other public benefits, delivering either economic or social or

environmental objectives, would, in my view, be sufficient to outweigh the harm I have identified to the significance of the heritage asset.

19. Accordingly, I find that the proposed development would be contrary to policies DEV10, DEV20 and DEV21 of the JLP and paragraphs 202, 210, 212 – 213 and 215 of the NPPF.

Living conditions – future occupiers

20. Policy DEV1 of the JLP requires, amongst other matters, that new development protects health and amenity and provides satisfactory sunlight, daylight and privacy. Policy DEV10 requires the delivery of high quality housing with a good living standard that meets Nationally Described Space standards and provides sufficient amenity space.
21. The Council accept that the proposed dwelling would meet the relevant space standards but contend that internally it would provide a poor quality environment for future occupiers. I concur with the Council's findings. The main open plan living area would have windows sited on the back edge of the lane/pavement where the evidence indicates cars are regularly parked. Refuse bins are also left in these areas and indeed, on my site visit, there were two wheely bins and a pram outside the garage door to the appeal building. The level of light, outlook and privacy from the main living area would, therefore, be poor. I accept that in some properties windows do have a similar outlook, but often cars will not be parked so close, as they would in this case and there are normally other main windows to the property that provide a better outlook and privacy, which is not the case here.
22. In addition, the proposed kitchen would only be served by a rooflight and the cycle and refuse storage is currently shown next to the refuse storage for the flats in the host property, and in an area where there are existing ground floor windows to one of the flats, potentially affecting their privacy. The main front door to the new dwelling would be sited along the passageway, which I understand would be shared with the occupiers of the flats and would be the route they would use to put out their refuse. There would also be limited amenity space for both existing and future occupiers and I assume what is shown on plan would be communal. Whilst these are matters that would not individually result in a poor living environment, combined they are, in my view, further indicators of the poor quality of the design and potential impact on existing and future occupiers living conditions.
23. Accordingly, I find that the proposed development would result in a poor standard of amenity and environment for future occupiers contrary to policies DEV1 and DEV10 of the JLP and paragraph 135 f) of the NPPF. The latter seeks to ensure that developments secure a high standard of amenity for existing and future users.

Car parking and highway safety

24. The Appellant states that the garage was previously used as a shop and then as storage to serve the flats at No.132 and that it has never been used for parking. The existing use on the application form is indicated as a private motor garage and store, with it currently vacant and last used as a store. Even so, at the time of my site visit the building was being used to store beds and furniture and the Council appear to accept that it could only potentially be used for parking. At present, there is, however, no means by which that potential use could be secured or enforced.

25. The Highway Authority (HA) objected to the proposal on the basis that it would result in the loss of the garage and that no new provision was proposed in line with policy DEV29 of the JLP and the supporting Supplementary Planning Document. Table 30 of the latter requires one space for a one bed dwelling. The HA contend that as the area is heavily parked the loss of the garage with no new space would compound the parking problems. I note that the Council also contend that the proposal would not be suitable as a car free development but I could not find any reasoning for that finding.
26. Based on the evidence before me, the garage does not appear to have been used for parking and as such there would be no loss of an existing space. Turning to the issue of on street parking, I am not convinced that the area is so heavily parked as the Council allege. Whilst I have had regard to the submitted photographs, as the Appellants point out these appear to show surplus spaces and do not appear to provide a complete assessment of the area. There is no parking stress assessment and at the time of my site visit, in the late afternoon, there was a good supply of spaces. The area is also not within a Controlled Parking Zone.
27. I am also not convinced that if cars were parked on the lane that any harm would arise from occupiers having to walk on the lane to the new dwelling. I assume that this situation is already likely to occur, where residents or visitors park their cars on the lane and then walk to their homes. There is no evidence before me that this situation leads to any conflicts and as I observed on my site visit, the lane is very quiet and most traffic appears to be generated by residents/visitors parking.
28. Accordingly, based on the evidence before me, I find that, on balance, the appeal proposal would not result in the loss of car parking or lead to any highway safety impacts and would not, in this respect, conflict with policy DEV29 of the JLP.

Other matters

29. The Council's evidence indicates that the appeal site lies within the setting of Grade II Listed Buildings, namely 6 – 10 Beyrout Place. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special regard must be had to the desirability of preserving those buildings setting. Similar advice is to be found in the NPPF. Whilst there are views of these listed buildings from the appeal site, they are largely of the rear elevation and rear garden to 10 Beyrout Place, with views of the others screened by 17a TPL. There is also a reasonable distance separating the two and the appeal proposal would not be seen in the same view as the main part or frontage of these listed properties. In view of this, the proposal would not result in any harm to their setting.

Planning balance and conclusions

30. The NPPF states that existing development plan policies should not be considered out of date simply because they were adopted prior to the NPPF's publication. Each policy should be assessed and due weight given to it based on its general conformity with the NPPF. In this respect, policies DEV1, DEV10, DEV20 and DEV21 of the JLP are consistent with and remain in general conformity with the NPPF's aims and objectives, namely, of securing a high standard of amenity for existing and future occupiers, ensuring that new development is of a high quality design, is integrated and well related to existing development, is sympathetic to

local character and history, and conserves and enhances the historic environment including designated heritage assets.

31. In terms of other considerations, there are benefits to the appeal proposal. These include securing a new residential unit and boosting the supply of new homes in line with paragraph 61 of the NPPF and short term employment from construction, both supported by other development plan policies. However, as I have found, the appeal proposal would conflict with policies DEV1, DEV10, DEV20 and DEV21 of the JLP. These policies should be accorded significant weight as they remain consistent with and in conformity with the NPPF. Consequently, I find that the appeal proposal would conflict with the development plan as a whole.
32. The Council have confirmed that following the publication of the NPPF they can no longer demonstrate a five year supply of housing land. In these circumstances paragraph 11 d) of the NPPF requires planning permission to be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed (11 d) i) or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (11 d) ii). Footnote 7 confirms that the policies referred to in 11 d) i are those in the NPPF, rather than those in the development plan, and include policies relating to designated heritage assets.
33. The appeal proposal would not preserve or enhance the character or appearance of the SCA and as is required by the NPPF considerable importance and weight must be attached to the harm to this designated heritage asset. The appeal proposal would lead to less than substantial harm to the significance of this heritage asset, with the level of harm being high and with no public benefits sufficient to outweigh that level of harm. Accordingly, the application of the policies in the NPPF that seek to protect designated heritage assets provides a strong reason for refusing the development proposed. The presumption in favour of sustainable development envisaged in the NPPF does not, therefore, apply in this instance. The NPPF is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
34. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR