

Report to Development Management Committee on Recent Planning Appeal Decisions

December 2012

Since the last appeal report in August there have been 19 appeal decisions made. All of these were dealt with by the Written Representation method. Of the appeal decisions reported here, 16 were dismissed and 3 were allowed, this results in a percentage dismissed of some 84%.

There now follows a brief summary of the appeals dismissed, followed by the details of those appeals allowed. If Members require any greater detail on any specific appeal case, then please contact the case officer.

Appeals Dismissed (16)

Site:- 21 Greenlands Avenue
Case Officer:- Alexis Moran
LPA ref:- P/2012/0326
Ward:- Clifton with Maidenway
Proposals:- Convert loft space with a box dormer to create a further 2 bedrooms and en suite
Council's decision:- Delegated Refusal
Issues:- Visual impact and impact on neighbouring amenity

Site:- 9 Thorne Park Road
Case Officer:- Alexis Moran
LPA ref:- P/2012/0481
Ward:- Cockington With Chelston
Proposals:- Addition of stainless steel and glass balcony
Council's decision:- Delegated approval, subject to conditions in relation to obscure glazed panels to the balcony
Issues:- The effect on the living conditions at nearby residential properties if the glazed panels of the balcony were not fitted with obscured glazing in accordance with condition No 2.

Site:- 86 Nut Bush Lane
Case Officer:- Alexis Moran
LPA ref:- P/2012/0662
Ward:- Cockington With Chelston
Proposals:- Alterations and extension to form ancillary family accommodation at ground and first floor levels
Council's decision:- Delegated refusal
Issues:- The principal issues are the effect of the proposed development on the character and appearance of the host building and the area, and its effect on the living conditions of the occupiers of 84 Nut Bush Lane.

Site:- **38 Petitor Road**
Case Officer:- Adam Luscombe
LPA ref:- P/2012/0284
Ward:- St Marychurch
Proposals:- Formation of dwelling and garage
Council's decision:- Delegated refusal
Issues:- The main issues raised by the appeal are the impact of the development on the Petitor Road street scene and its effect on the local infrastructure, particularly in respect of waste management, sustainable transport, lifelong learning, greenspace and recreation.

Site:- **62 Lutyens Drive**
Case Officer:- Mr Alexis Moran
LPA ref:- P/2012/0676
Ward:- Blatchcombe
Proposals:- First floor extension over garage and revised external works
Council's decision:- Delegated refusal
Issues:- This is the effect of the proposed development on the character and appearance of the area.

The application in the case of the above **appeal for an award of costs** was also refused by the Inspectorate.

Site:- **21 James Avenue**
Case Officer:- Alexis Moran
LPA ref:- P/2012/0362
Ward:- Blatchcombe
Proposals:- Extension and alterations
Council's decision:- Delegated refusal
Issues:- The effect of the proposed development on the character and appearance of the area.

Site:- **Squirrels, 95 Goodrington Road**
Case Officer:- Alison Read
LPA ref:- P/2012/0256
Ward:- Churston With Galmpton
Proposals:- Alterations and extension to existing loft conversion to form granny annexe
Council's decision:- Delegated refusal
Issues:- The main issues are the effect of the proposal on: - (i) the character and appearance of the area, and (ii) the living conditions at 51 Kingsway Avenue with particular regard to visual impact and privacy.

Site:- **Sunbury Court, Sunbury Hill**
Case Officer:- Alix Cathcart
LPA ref:- P/2012/0152
Ward:- Tormohun
Proposals:- Change of use and conversion of ancillary storage building to a dwelling
Council's decision:- Delegated refusal
Issues:- The principal issues are
a) the effect of the proposed development on the character and appearance of the host building and the Upton Conservation Area
b) its effect on the space available to Sunbury Court for turning and manoeuvring, and on highway safety
c) the living conditions of the prospective occupiers of the proposed dwelling.

Site:- **3 The Roundings**
Case Officer:- Alison Read
LPA ref:- P/2012/0376
Ward:- Churston With Galmpton
Proposals:- Proposed ground and first floor rear extension.
Council's decision:- Delegated refusal
Issues:- The main issue is the effect of the proposal on the character and appearance of the Galmpton Conservation Area.

Site:- **Springhill, Solsbro Road**
Case Officer:- Mr Alexis Moran
LPA ref:- P/2012/0138
Ward:- Cockington With Chelston
Proposals:- Non material amendment - use blue/black fibre cement roof slates to application P/2011/0314/PA
Council's decision:- Delegated refusal
Issues:- The principal issue is the effect of the proposed development on the character and appearance of the Chelston Conservation Area.

Site:- **44 Ilsham Road**
Case Officer:- Adam Luscombe
LPA ref:- P/2011/0808
Ward:- Wellswood
Proposals:- Formation of new detached dwelling house and integral garage with vehicular and pedestrian access on land at rear
Council's decision:- Delegated refusal
Issues:- The impact of the proposal on the character and appearance of the area, particularly through loss of trees and on the amenities of the occupiers of No 44 by way of overlooking.

Site:- **Apartments 11 And 12, Marina Court, Warren Road**
Case Officer:- Alix Cathcart
LPA ref:- P/2011/1078
Ward:- Tormohun
Proposals:- Installation of balconies to apartments 11 and 12
Council's decision:- Delegated refusal
Issues:- The principal issue is the effect of the proposed development on the character and appearance of the host building and the Belgravia Conservation Area.

Site:- **77 East Pafford Avenue**
Case Officer:- Adam Luscombe
LPA ref:- P/2012/0026
Ward:- Watcombe
Proposals:- Dwelling at side (In Outline)
Council's decision:- Delegated refusal
Issues:- The main issues are the effect of the proposal on: - (i) the character and appearance of the area, and (ii) the living conditions at 75 East Pafford Avenue, with particular regard to visual impact, light and privacy.

Site:- **Garage Plot, Higher Woodfield Road**
Case Officer:- Adam Luscombe
LPA ref:- P/2011/1230
Ward:- Wellswood
Proposals:- Change of use from garage to residential two bedroom house. (new build garage consented in planning permissions P/2011/0705/PA & P/2011/1036/NMA)
Council's decision:- Delegated refusal
Issues:- The five main issues are: the effect upon the character and appearance of the area, which forms part of Lincombes Conservation Area (CA), including the effect upon the setting of the adjacent terrace at 1-9 Lisburne Crescent; whether the proposal would provide adequate living conditions for occupiers of the proposed dwelling, having particular regard to outlook, light and external amenity space; the impact upon the living conditions of neighbouring residents, having particular regard to overlooking/privacy; the implications for car parking along Higher Woodfield Road and; whether it would be necessary for the proposal to include financial contributions towards the cost of infrastructure, having particular regard to waste management, transport, lifelong learning and greenspace/recreation.

Site:- **5 Rowcroft Road**
Case Officer:- Alexis Moran
LPA ref:- P/2011/1267
Ward:- Preston
Proposals:- Ground and first floor extension to provide additional letting unit
Council's decision:- Delegated refusal
Issues:- The two main issues are: the effect upon the character of the area and; whether the proposal would provide adequate living conditions for occupiers of the proposed flat and the existing flats at 5 Rowcroft Road, having particular regard to external amenity space and outlook.

Site:- **Land Adjacent Oversands, Livermead Hill**
Case Officer:- John Burton
LPA ref:- P/2011/0843
Ward:- Cockington With Chelston
Proposals:- Use of existing approved flat roof as roof terrace with glazed balustrading and glazed roof access box to dwelling approved on application P/2010/1326
Council's decision:- Delegated refusal
Issues:- Impact on the character and appearance of the area

Appeals Allowed

Site:- **Rear Of 1 Elmbank Road**
Case Officer:- Alexis Moran
LPA ref:- P/2011/1377
Ward:- Roundham With Hyde
Proposals:- Change of use of existing rear two storey building to form a single one bedroom dwelling with pedestrian access
Council's decision:- Delegated refusal
Issues:- The principal issues are:
a) whether the proposed development would constitute over-development of the appeal site and harm the living conditions of the occupiers of adjoining dwellings;
b) whether it would offer acceptable living conditions for the prospective occupiers.

Site:- **Old Toll House, Torbay Road**
Case Officer:- Ruth Robinson
LPA ref:- P/2011/0802
Ward:- Tormohun
Proposals:- Extend time limit - Formation of roof terrace, modifications to lift. P/2008/0981/LB.
Council's decision:- Committee Refusal in line with officer recommendation
Issues:- Whether the proposal would preserve the Grade II listed building known as The Old Toll House or its features of special architectural or historic interest and preserve or enhance the character or appearance of the Belgravia Conservation Area (CA) which includes the Grade II registered Historic Park and Garden at Rock Walk Gardens and, if

not, whether any harm would be outweighed by any benefits of the scheme.

Site:- **Old Toll House, Torbay Road**

Case Officer:- Ruth Robinson

LPA ref:- P/2011/0799

Ward:- Tormohun

Proposals:- Extend time limit - Formation of roof terrace, modifications to lift - P/2008/0980.

Council's decision:- Committee Refusal in line with officer recommendation

Issues:- Whether the proposal would preserve the Grade II listed building known as The Old Toll House or its features of special architectural or historic interest and preserve or enhance the character or appearance of the Belgravia Conservation Area (CA) which includes the Grade II registered Historic Park and Garden at Rock Walk Gardens and, if not, whether any harm would be outweighed by any benefits of the scheme.