

## Appeal Decisions Received between 01/02/09 to 28/02/09

Reference Number	Parish	Proposal Description and Location	Appeal Decision	Comments
37/0547/08/F	NEWTON FERRERS	Resubmission of application 37/0118/08/F for construction of two storey rear extension, double garage to side and conversion of existing integral garage to a music room – Lavender House, 16 Perches Close, Membland, Newton Ferrers PL8 1HZ	<b>ALLOWED</b>	The Inspector considered that the main issue was the effect of the proposed two storey rear extension upon the living conditions of neighbouring residents at 15 and 17 Perches Close. The Inspector concluded that whilst the two storey extension would be readily visible from no. 17, its height and relative disposition in relation to this neighbouring property would avoid any overbearing effect for the occupiers of no. 17. He also considered that the design, which includes a variation in the roof lines and the use of timber weatherboarding on the flank walls of the upper floor, would assist in the breaking up of the overall mass of the new building and ensure that there was no significant loss of outlook for the residents of no. 17. With regards to no. 15, the proposed rear extension was on the far side of the plot and well away from this neighbouring property. Whilst it was possible to see clearly into the garden of no. 15 from the appeal site and that there was mutual overlooking between the appellant's property and no. 17. The Inspector considered that the 1.8 metre high obscure glazed panels on either side of the first floor balcony would limit the overlooking of these properties and given the extent of the existing overlooking would not result in any loss of privacy for neighbouring residents. The Inspector therefore allowed the appeal on the grounds that the proposal would not unacceptably harm the living conditions of the residents of 15 and 17 Perches Close.
23/2034/07/F (EN-NOT/0009/08)	HARBERTON	Retrospective application for change of use of land for storage and use as commercial premises – West Leigh Farm, Harberton, Totnes TQ9 7NE	<b>DISMISSED</b>	The planning appeal was submitted against refusal of planning permission, applied for retrospectively for change of use of land for storage and commercial premises, on the grounds of non-sustainable location and harm to visual amenity of countryside. The Inspector agreed that the use flies

				<p>in the face of national and local planning policies that seek to achieve sustainable development and preserve the environmental quality of the countryside and dismissed the appeal.</p> <p>The enforcement appeals against the issuing of an Enforcement Notice that sought the cessation of the commercial use, removal of timber building and removal of yard area, were dismissed. However, the Inspector varied the Enforcement Notice to exclude the requirement to remove the yard area, as he considered this reasonable for the purposes of agriculture. He also considered that the timber building did not constitute operational development, due to the fact that it rests on bare unprepared ground, is not fixed and requires weighted crates with straps to hold it in place and, concluded that its use for agriculture would not be in breach of planning. The varied notice only requires the removal of this building if associated with the commercial use.</p>
<b>ENCASE/ 0104/08</b>	<b>NEWTON &amp; NOSS</b>	Extension to dwelling and provision of parking space : 27 Yealm Road, Newton Ferrers, Plymouth PL8 1BH	Enforcement Notice upheld with variation.	<p>The appeal is made against an enforcement notice for the construction of a hard standing requiring 1. Remove the hard standing, 2. Reinstates the previously existing garden bank, and 3. Re-erect a boundary fence adjoining Yealm Road. Period for compliance is six months. The appeal was made under ground (c) that there is no need to remove the hard standing or alter the fence. The Inspector considering the latter an appeal under ground (f). The construction of the hard standing was held to be a breach of planning control. The requirement to re-erect the fence was considered excessive. The enforcement notice was varied accordingly.</p>
<b>41/0683/08/F</b>	<b>SALCOMBE</b>	Proposed car parking and steps for Salcombe Court and Foreshore House (resubmission of 41/1759/07/F) - Underdeck, Cliff	<b>ALLOWED</b> (subject to conditions)	<p>Appeal against refusal of planning permission for a car parking deck and steps to Foreshore House. In determining the appeal the Inspector considered the main to be the effect on the character and appearance of this part of the</p>

		Road, Salcombe, TQ8 8JQ		AONB and general amenities of persons using the steps. The Inspector considered platforms, decks, balconies and other projections significant features of the area, in which context the parking area would not look out of context and therefore the scenic beauty of the AONB would not be harmed. The length of footway beneath the car park was thought to be very short, any resultant sense of enclosure limited and consequential impact not enough to substantiate any material harm.