

EXETER CITY COUNCIL

PLANNING COMMITTEE

26 April 2010

APPEALS

DECISIONS RECEIVED

SUMMARY: 5 appeal decisions have been received since the last report; 3 were dismissed and 2 were allowed with conditions.

Bartholomew House, Bartholomew Street West, Exeter, EX4 3AJ



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Reference No: 08/0437/03

Proposal: Creation of 5 new second floor flats, 1 new ground floor flat and the change of use of a ground floor flat to a hairdressers' shop.

Officer Recommendation: Refusal

Application Decision: Committee Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were:

- the acceptability of living conditions for residents of Bartholomew House;
- the impact upon living conditions of adjoining occupiers; and
- whether the redevelopment preserves or enhances the character and appearance of the Central Conservation Area.

Living conditions – residents of Bartholomew House

The Inspector agreed with the Council that the creation of space for further occupants and households would lead to a more intensive use of the property. He thought that the further numbers of people moving around the narrow, gloomy corridors would increase the incidents of noise disturbance in those areas. Such noise would be likely to reverberate around the tightly enclosed corridors and give residents a feeling of being cramped in with other residents. Such disturbance was likely to be heard within the flats and HMOs. There was little external circulation or recreational space to provide relief from a constrained, uncomfortable environment.

The Inspector noted that the rooms of a number of flats only get day-light from the light-well at the heart of the building. These were very gloomy due to a lack of natural day-light. Occupants would rely upon artificial light and would have an oppressive feel as a result. The terrace on the third floor would provide some communal space. However, there was a lack of space and light within the communal areas of much of the building as well as gloominess in some of the living rooms. This as well as the increase in numbers of residents within the building would reduce the quality of amenity for many of the occupants. The Inspector did not consider that all residents would feel at ease within their homes which would not therefore meet the requirements of ELP Policy DG4.

Living conditions - adjoining occupiers

The Inspector did not consider that the raising of the central or rear parts of the roof at the appeal site had had an over-bearing impact upon adjoining residents or caused a substantial loss of daylight or sunlight. Although he was concerned about additional activity affecting living conditions within the confinement of Bartholomew House, these changes were less likely to affect neighbouring residents, in his opinion.

Character and appearance

The Inspector accepted that the façade of Bartholomew House was distinctive and played a dominant and important part within the street scene in this part of the Central Conservation Area. However, the building was surrounded by a variety of roof-structures including that of the adjoining cinema. He thought that the new raised roof of the central section had simplified the structure rather than confused it. He did not consider that it had a harmful effect upon the appearance of the building. The flat-roofed dormer erected at the rear of the site was hidden from views by the pre-existent roof and was difficult to see from close-quarters. He thought the slate hung barrier at the side of the newly created roof-terrace made little difference to the appearance of what was previously a high flat roof. In his opinion the redevelopment preserved the character and appearance of the Central Conservation Area.

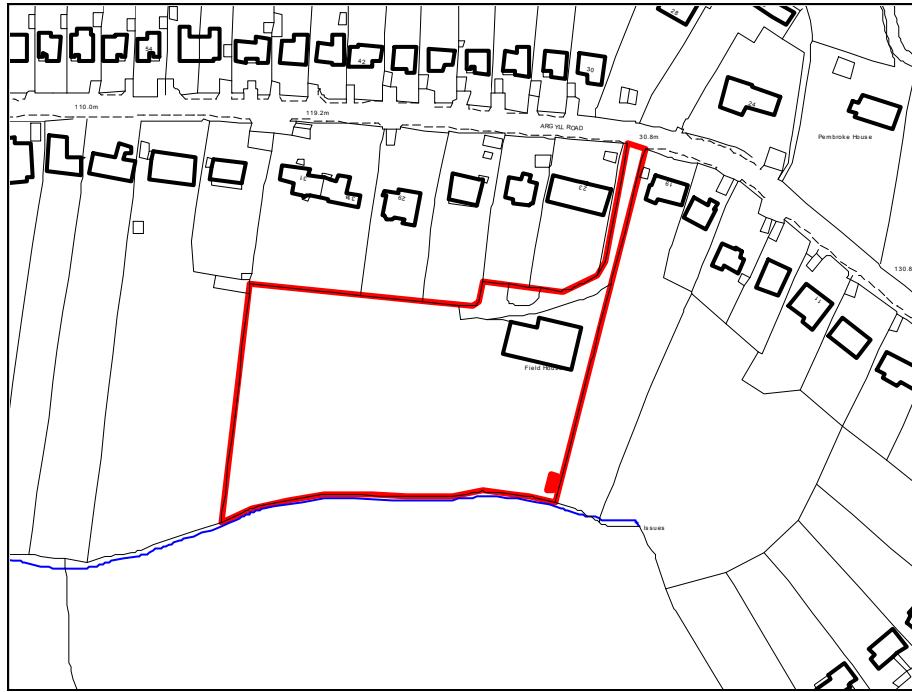
Overall Conclusions

The Inspector's conclusions on the second and third main issues did not outweigh his

conclusions on the first. On balance, he considered the development to be unacceptable and therefore the appeal did not succeed.

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Field House, 21 Argyll Road, Pennsylvania, Exeter, Devon EX4 4RX



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Reference No: 09/0491/03

Proposal: Replacement of dilapidated shed to eastern boundary of field.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: ALLOWED SUBJECT TO CONDITIONS

Grounds:

The planning application was made retrospectively. The main issue was considered to be the effect on the character and appearance of the area.

The site is located within the Duryard Valley Park which is defined in the ELP as a Site of Nature Conservation Importance. Planning permission for extensions to the house at the site was granted in 2004 subject to a planning obligation which secured the cessation of the use of the field to the south as domestic curtilage.

The Council was principally concerned that the shed is a domestic outbuilding which is inappropriate to the rural character of the field and has resulted in a visual

impression of the residential curtilage at Field House being extended into the open setting of the city.

The shed is partly used for the storage of a grass cutting machine in connection with the management of the field as a wild flower meadow. The shed will also be used as a log store and as a hen house.

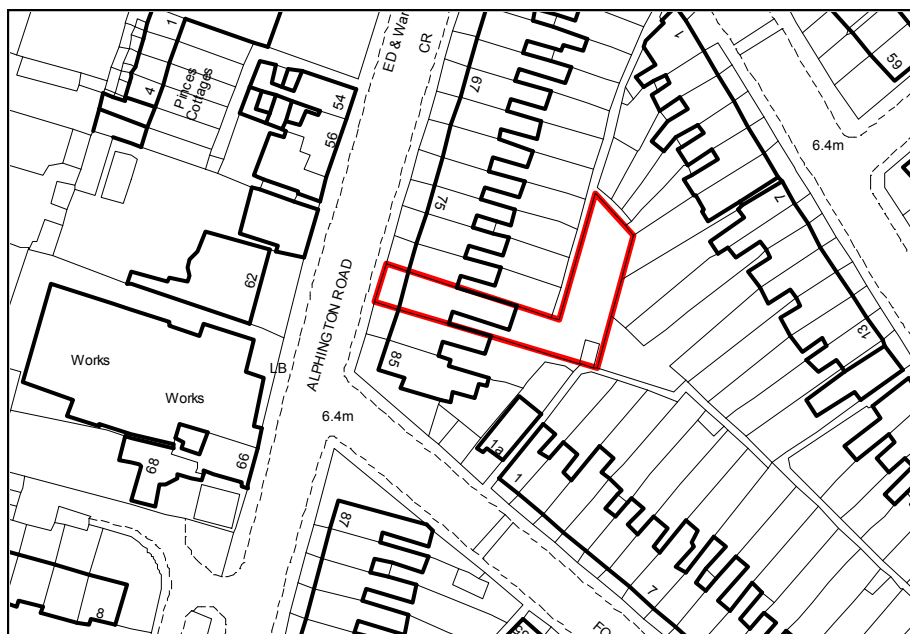
The Inspector considered that the siting of the shed sensibly reflected its uses. She noted that it had a somewhat informal appearance but did not consider that it appeared incongruous. In her opinion, a shed of a more conventional design would be more likely to look out of place.

The Inspector viewed the shed from the opposite side of the valley. She considered it to be of modest size, sited discreetly at the edge of the field, and constructed of timber, in harmony with its setting adjacent to woodland. She found its visual impact to be unremarkable. She considered it to be not unlike a field shelter which might be found on agricultural land and concluded that the shed had a neutral impact on the character and appearance of the area.

Although the shed did not fall within any of the exceptions listed as being permissible under ELP Policy LS1, the Inspector considered the development complied with DSP Policy CO1 in that it is sympathetic to the landscape character and quality of this part of Devon. Furthermore, she thought that the shed facilitated the management of the wild flower meadow; this was a material consideration in favour of the development. Overall, the Inspector concluded that the balance of considerations in favour of the development outweighed the limited conflict with the development plan.

The appeal was allowed subject to conditions requiring the submission, approval and implementation of a scheme for the external finish of the building

81 Alphington Road, Exeter, EX2 8JE



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Reference No: 09/1303/03

Proposal: Change of use from one house to managed shared accommodation.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: ALLOWED SUBJECT TO A CONDITION

Grounds:

The main issues were

- 1) the acceptability of living conditions for residents within 81 Alphington Road.
- 2) the effect upon living conditions within adjoining properties.
- 3) whether the proposals would preserve or enhance the character and appearance of the Princes Square Conservation Area.

Living conditions – proposed residents

The appeal site is a large terraced building which provides managed accommodation for people with illnesses and disabilities who are supported by the appellant and his staff. The building has been developed to include 4 bedrooms on the ground floor, 3 bedrooms on the first floor and 2 bedrooms on the second floor. Each floor contains a shared kitchen. Outside of the building the large garden provides a pleasant open area for occupants of the building to sit out. There is also space for storage of domestic items including refuse bins and bicycles.

The property does not include any communal living or dining areas. The Inspector considered that the living environment could be improved by the inclusion of

communal areas but thought this was a matter of choice when prospective residents decide whether or not to take up occupancy. He considered there to be reasonable provision for all residents on each of the floors. The occupant of one ground floor bedroom would need to walk outside to reach the kitchen on that floor. Whilst this was not an ideal arrangement, the Inspector did not consider that the residents of the other rooms would be disturbed by this activity.

The occupant of the room next to the front entrance and the bottom of the stair-case would be most likely to be disturbed by comings and goings of other residents. However, the Inspector did not consider there would be any significant disturbance. In relation to the first main issue, he considered the development would provide acceptable living conditions for residents within 81 Alphington Road.

Living conditions - adjoining residents

The Inspector noted that the use would accommodate up to 9 people. He did not consider this would be an intensive increase given the size of the property including the outdoor space. He thought that the potential disturbance for the adjoining residents from activity within the building would be unlikely to be much different than if a large family occupied the building.

He did not think that neighbours would be disturbed or caused inconvenience from competition for on-street parking which is controlled by on-street restrictions. Visitors such as health care workers would need to park in available spaces in Ebrington Road or Fortescue Road and walk to the site but these occasional visits were unlikely to cause significant disturbance or inconvenience to immediate neighbours or those in the surrounding streets.

In the Inspector's opinion the continuation of the use would not have a harmful effect upon living conditions within adjoining properties by reason of increased activity.

Character and appearance

The Inspector considered that the character and appearance of the Conservation Area was not presently dominated by subdivided dwellings. He thought that the use of the property in this way was complimentary to this busy urban area on the outskirts of the City centre and to the general mix of housing in the area. He noted that some dwellings within the same terrace already use the front gardens to store refuse-bins. He did not consider that one or two more bins would have a significantly greater visual impact. He therefore thought that the development would preserve the character and appearance of the Conservation Area.

The appeal was allowed subject to a condition requiring compliance with the approved plans.

Land to the rear of 6A Church Road, St Thomas, Exeter, EX2 9AX



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Reference Nos: 09/0285/03 & 09/0283/14

Proposals: 09/0285/03: Redevelopment of site to provide 4 x 1 bedroom houses following demolition of outbuildings.
09/0283/14: Conservation area consent for the demolition of outbuildings.

Application Decisions: Delegated Refusal

Type of Appeals: Written Representations

Appeal Decisions: BOTH DISMISSED

Grounds:

The main issues were the effect of the proposal on the character and appearance of the Cowick Street Conservation Area and the setting of the adjoining listed building at 6 Church Road, together with its effect on the living conditions of its occupants and on occupants of the proposed development.

Character, appearance and setting

The Inspector noted that although the proposal aimed to make the best use of a compact site where the principle of residential development was acceptable and which was an eyesore within the Conservation Area, he agreed with the Council that the proposed layout would result in a form of built development at odds with the surrounding pattern of development, which generally follows the grain of former burgage plots. The proposed building would also be sited close to the boundary with 6 Church Road, a Grade II listed building, where it would appear cramped and have

an overbearing presence. The proposed contemporary design and opposing roof slopes would have a further adverse effect.

The Inspector concluded that the proposal would fail to preserve the character and appearance of the Cowick Street Conservation Area and harm the setting of the listed building, contrary to development plan policies.

Living conditions

The Inspector considered that the proposed building would result in an unacceptable loss of light and outlook at the rear of 6 Church Road, to the detriment of its occupants, especially those living in the ground floor flat.

He also noted that the total floor area of the smallest unit proposed would only be about 23m². He considered this to be an extremely small self-contained living space, even for a single person. Other single aspect units would be likely to experience relatively low levels of natural daylighting. Much of the proposed amenity space would be unsuitable for its intended purpose, being too narrow or overshadowed or directly outside windows to main habitable rooms, and the level of provision would fall well below the Council's recommended minimum standard.

The Inspector concluded that the proposal would harm living conditions of existing occupants at 6 Church Road, by reason of unacceptable overshadowing and loss of outlook, and future occupants of the proposed dwellings, by reason of an unacceptable standard of living accommodation and an inadequate level of provision of communal amenity space, contrary to development plan policies.

The Conservation Area Consent appeal

As the proposal did not comply with LP Policy C1 the Inspector considered that conservation area consent for demolition of outbuildings should not be granted.

APPEALS LODGED

Application	Proposal	Start date	Received date
2 Bodley Close, Exeter, EX1 3LD	Ground floor extension on west elevation	05/03/2010	05/03/2010
12 Sidwell Street, Exeter, Ex4 6NN	Relocation and replacement of roof mounted plant	03/03/2010	09/03/2010
1 East Wonford Hill Exeter, EX1 3BS	Conservatory on north elevation	09/03/2010	11/03/2010
9a North Street, Exeter, EX4 3QS	Change of use from electronic workshop to self-contained flat at first floor level	09/03/2010	15/03/2010
Former St Loyes Public House, 12-14 Salters Road, Exeter, EX2 5JH	Conversion of existing hotel into eight, one bedroom flats.	17/03/2010	17/03/2010

Devon & Exeter Squash Club, Prince of Wales Road, Exeter, EX4 4PR	Mobile catering facility in northern area of car park	19/03/2010	22/03/2010
Land adj. 54 Broadfields Road, Exeter, EX25RG	Detached dwelling, parking, access to highway and associated works	24/03/2010	29/03/2010
23 Wear Barton Road, Exeter, EX2 7EH	Ground floor extension on north west elevation	31/03/2010	31/03/2010

**RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL
ECONOMY AND DEVELOPMENT DIRECTORATE**

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report: -

Letters, application files and appeal documents referred to in report.

Available for inspection from: -

Planning Services, Civic Centre, Paris Street, Exeter (01392) 265223