

EXETER CITY COUNCIL

PLANNING COMMITTEE

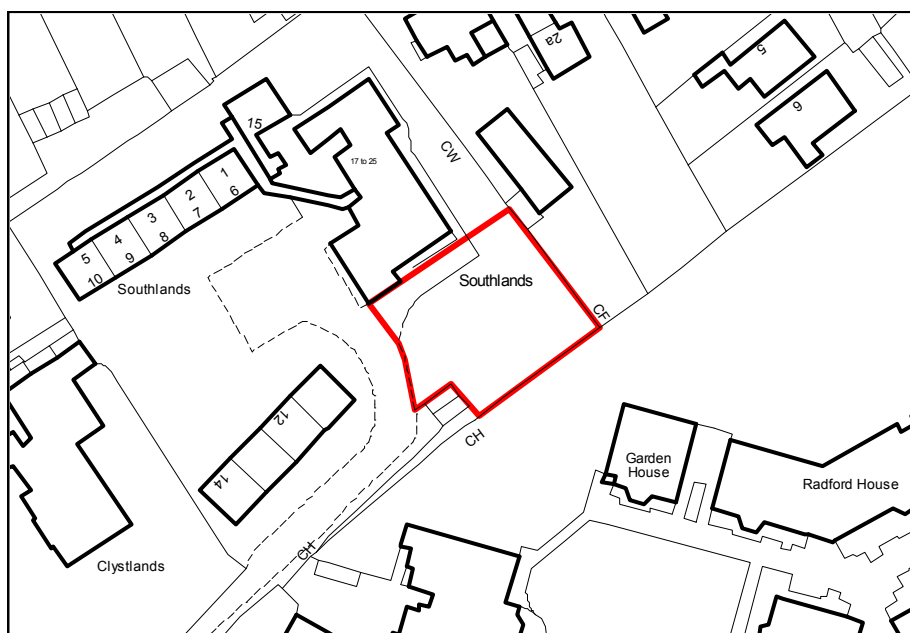
6 September 2010

APPEALS

DECISIONS RECEIVED

SUMMARY: 10 appeal decisions have been received since the last report; 6 were dismissed and 4 allowed with conditions.

Land at Southlands, Fore Street, Heavitree, Exeter EX1 2QQ



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Reference No: 09/1187/03

Proposal: Erection of four 1-bedroom dwellings with associated amenity space, parking and bin storage.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were

- i) the effect of the development upon the setting of Southlands, a Grade II listed building and on the character and appearance of the Mont le Grand Conservation Area;
- ii) whether the scheme would provide acceptable living conditions for future occupants, and
- iii) the effect of the development on highway safety for users of the appeal site and of the roads in its vicinity.

Effect on the setting of the listed building and the character and appearance of the Conservation Area

Southlands is a former house, now converted to 6 flats with substantial development on the site from the 1960s and 70s. The appeal proposed a block of 4 one-bedroom units on the grassy plot immediately to the south-east of the main house.

The Inspector noted that the appeal site was a remnant of what at one time must have been a substantial garden around this impressive 19th century villa. The grounds have been largely given over to the mid-20th century housing developments. The appeal site still provided an outlook over grass and trees from the south-eastern front of the house. It also provided one of the few views of a relatively unaltered part of the house in a relatively undeveloped setting. He considered this to be particularly important since it was effectively the first view of Southlands on approach along the drive.

He agreed with the Council that construction of the new block with its associated parking, and the bin and cycle stores to the front would seriously erode this green area, and the only piece of open site directly associated with the main house would effectively be lost.

The Inspector considered the proposed design would result in a shed-like form that would be incongruous within the context of the traditional design and form of the listed building, and also of the nearby single-storey dwellings. He also concurred with the Council's view that the three blank elevations, which would be clad in a type of synthetic timber boarding, would appear bland and unattractive. Furthermore, the bin and cycle store, and the parking area would tend to dominate the space to the front of the new building. He considered these factors would also harm the setting of Southlands, and would be incongruous within the Conservation Area with its predominance of handsome 19th century villas. To his mind the development would fail to conserve the character or appearance of the Conservation Area, contrary to the aims of DSP Policies CO6 and CO7 and ELP Policies C1, C2 and DG1.

The living conditions for future occupants

The Inspector considered that the units would have limited outlooks, particularly from the bedrooms which would each be lit by a single roof light. He was sceptical that there would be adequate headroom in more than perhaps half of the bedroom area, which to his mind would make these rooms cramped and uncomfortable. Furthermore, none of the proposed units would have any private outdoor space, nor would their relatively large glazed openings be screened from overlooking by others using the communal space. He concluded that the proposed development would not provide acceptable living conditions for future occupants in terms of internal layout, outlook and privacy and would not accord with the aims of ELP Policy DG4.

Highway safety

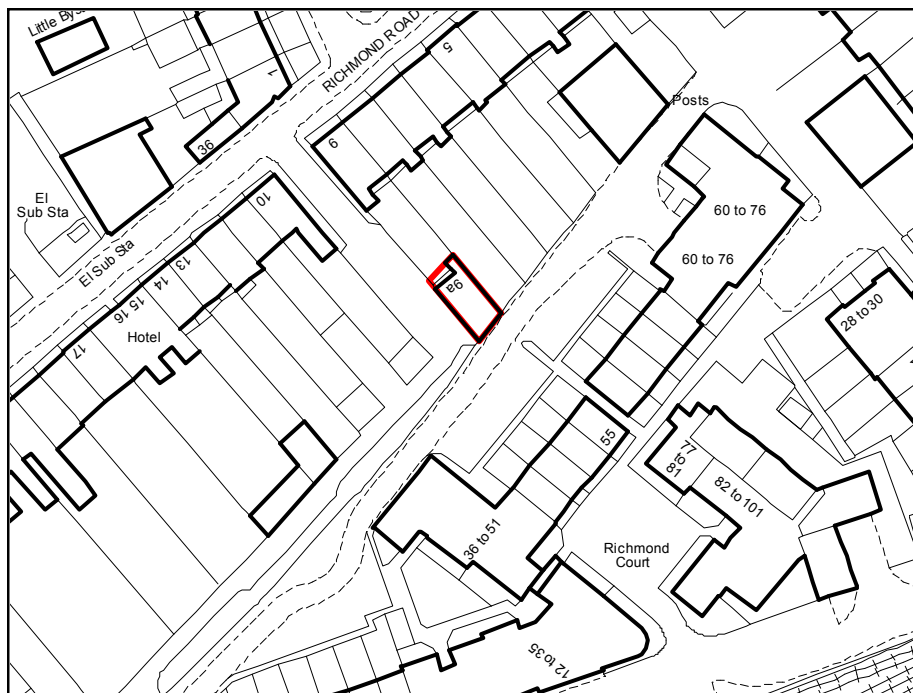
The access to and from the appeal site onto Fore Street is at a complex junction with heavy traffic. 25 residential units currently use the access. The Inspector saw that there was limited visibility of and from the site access, particularly for drivers of vehicles turning left from Polsloe Road. He considered it would be undesirable for there to be any significant increase in traffic movements on this uncontrolled junction with poor visibility. He concluded that the proposals would have a significantly adverse effect upon highway safety. This would be in conflict with the aims of DSP Policy TR10.

Other matters

The appellant argued that the appeal site was a piece of previously developed land, and that the principle of development was therefore acceptable under the objective of PPS3, as it then existed, to make effective use of land. However, PPS3 was amended by Ministerial Statement of 9 June 2010, which amongst other things changed the definition of previously developed land in Annex B to exclude private residential gardens. This change clearly removed a factor that may have favoured a development proposal such as this, although he could not accept the Council's argument that it went so far as to introduce a presumption against such development.

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9A Richmond Road, Exeter, Devon, EX4 4JA.



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Reference No: 09/1407/03

Proposal: Alteration to pitch of roof (retrospective).

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: **ALLOWED** subject to conditions

Grounds:

The main issue was whether the development would preserve or enhance the character or appearance of St Davids Conservation Area (CA) and preserve the setting of the Grade II listed buildings at 1 to 24 Richmond Road.

The appeal site lies to the rear of 9 Richmond Road. Until recently the building on the site comprised a row of four garages with a flat above. In 2008 permission was granted for alterations to this building to include a two storey extension, raised ridge height, installation of rooflights, windows and door to provide two dwellings (Ref. 08/0676/03).

The main differences between the 2008 approval and the appeal scheme was that the roof height of the building had been increased by about 100mm, the eaves height had increased by about 1.2m and the roof pitch had changed from an angle of about 47° to 35°.

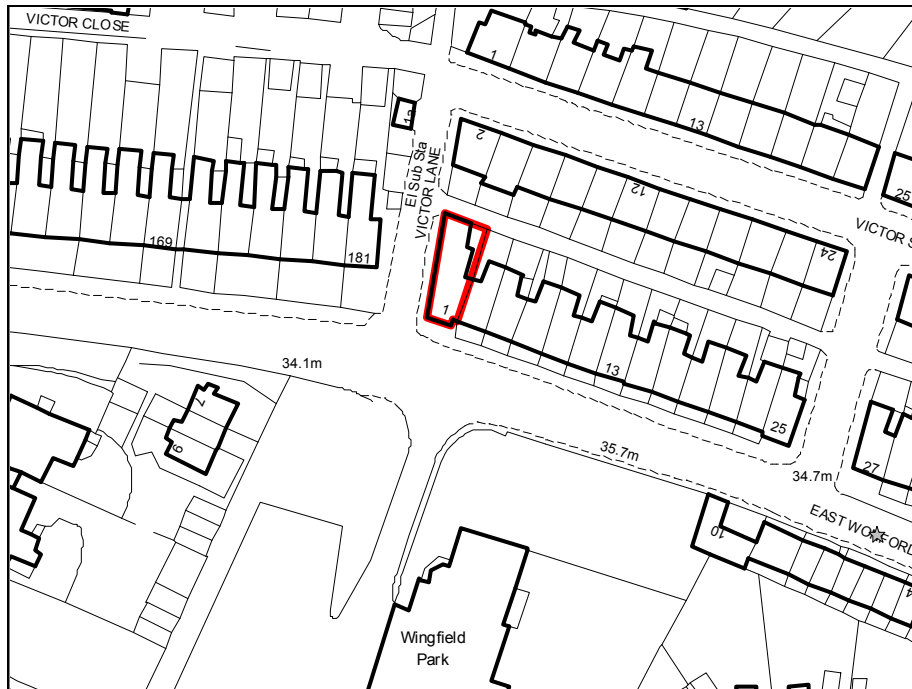
The Inspector did not consider the enlarged building to be materially different in character and appearance to the development already permitted. In his view there was no cogent evidence to demonstrate that it had harmed any important qualities of the building or that the alterations to the roof pitch were detrimental to the character or appearance of the CA or the setting of neighbouring listed buildings.

The Inspector identified a number of discrepancies with the plans and commented that it may be necessary for the appellant to submit a further retrospective application. However, he stated that he had determined the scheme on its own planning merits.

The appeal was allowed subject to conditions clarifying the eaves height and requiring compliance with the approved plans in respect of external finish.

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Hairlines, 1 East Wonford Hill, Exeter, Devon EX1 3BS



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Reference No: 09/1496/03

Proposal: Erection of a conservatory on the back of the hair salon for use as a beauty room.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were whether the conservatory would adversely affect

- a) the appearance of the host property and the adjoining properties and thereby fail to contribute to local townscape distinctiveness; and
- b) the light, outlook and privacy of neighbours at 3 East Wonford Hill.

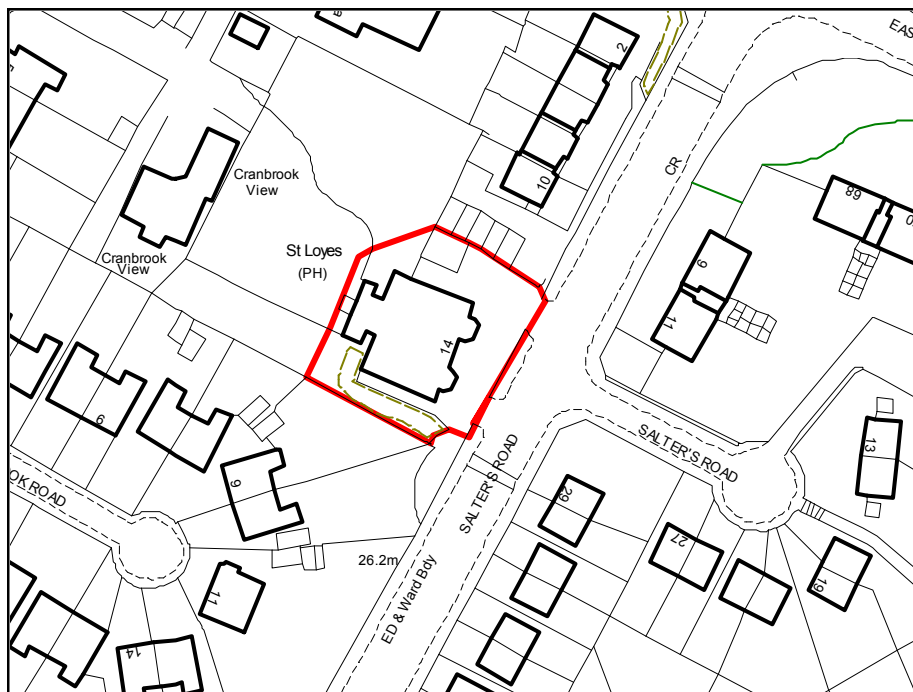
In relation to the first issue, the Inspector considered the conservatory's design incorporating white uPVC frames and extensive glazing, would be at odds with the more traditional design of the brick built properties that make up the character of the terrace along this part of East Wonford Hill. Also, by partly filling in the gap between the rear extensions to the host property and the adjoining one; by taking away a significant part of the limited rear open space between properties; and by being sited above street level, the proposed conservatory would be over dominant and thereby erode local

distinctiveness in this part of Exeter. Consequently, he shared the Council's view that this proposal would fail to meet the relevant Development Plan Policies that require development to add to local distinctiveness, avoid commonplace designs, and to improve the quality of Exeter's townscape.

With regard to the second issue, the Inspector noted that the conservatory would be sited very close to a kitchen and a dining room window at 3 East Wonford Hill, and immediately next to the small outdoor space for that property. Having regard to the Council's SPD "Householder's Guide to Extension Design", his judgement was that the size, proximity and commercial use of the conservatory would seriously reduce the outlook, light and privacy that the occupiers of No 3 should be able to reasonably expect in a predominantly residential area.

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St Loyes Hotel/Public House, 14 Salter's Road, Exeter EX2 5JH



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Reference No: 09/1782/03

Proposal: Conversion of hotel/public house to provide eight 1-bedroom apartments including bin storage, bike and cycle storage, laundry, car-parking and associated landscaping.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were

- i) the effect of the proposals on the character and appearance of the appeal site and of the Heavitree Conservation Area, and
- ii) whether the development would provide satisfactory living conditions for future occupants of the apartments.

Character and appearance

The appeal property was built as an hotel/public house in the 1930s in a distinctive *art deco* style. It has been disused for some years. The Inspector agreed that it was a handsome building deserving a degree of protection.

In terms of the appearance of the building itself, little would change apart from the addition of the two dormers, which would be relatively inconspicuous at the back. The overall symmetry of the building would be retained, and the Inspector did not consider any significant harm would be caused by this alteration.

The change to residential use would mean that the parking areas to the front and side of the building would be used more intensively. To the Inspector's mind this would create a harsh environment for a residential development, and the nature of the scheme was such that the opportunity for landscaping was very limited indeed. The Inspector concluded on this issue that the proposals would cause significant harm to the character and appearance of the appeal site, and of the Heavitree Conservation Area, contrary to Development Plan policies.

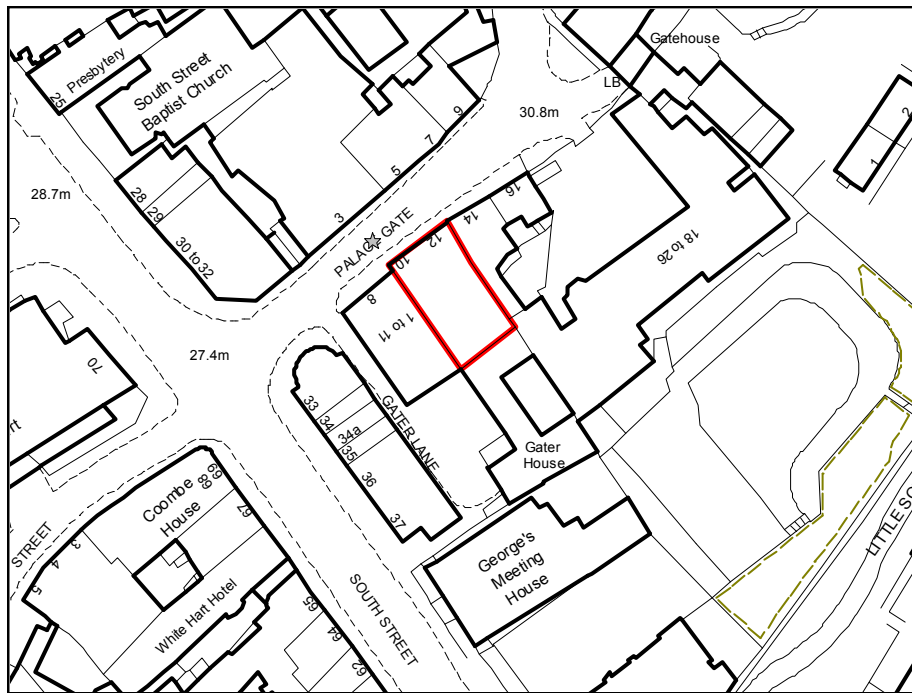
Living conditions for future occupants

The Inspector considered the ground floor flats would have a poor outlook onto the car park and would have little privacy from passers-by. The common amenity spaces would not be readily accessible for occupants, and would receive little sunlight. The lower level amenity space adjacent to part of the parking area would be particularly unattractive. He accepted that the provision of outdoor amenity space was to an extent a matter of choice for future purchasers/occupants. However, in this case it appears to him that the poor provision arose largely from the cramped nature of the development, rather than from the lack of opportunity to provide amenity space. He did not consider that public open space in the locality would provide an acceptable substitute.

The Inspector agreed with the Council that the balcony arrangement was unacceptable because the presence of people on balconies adjacent to other dwellings would result in loss of privacy and disturbance.

The Inspector concluded on this issue that the proposals would not provide satisfactory living conditions for future occupants of the proposed apartments.

10-12 Palace Gate, Exeter EX1 1JA



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Reference No: 09/1847/05

Proposal: The retention of 3 temporary promotion banners

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issue was whether the 3 banners would preserve the setting of the nearby listed buildings and the character or appearance of the Exeter Central Conservation Area.

10-12 Palace Gate is a 2-storey building in use as a restaurant known as Oriental Buffet. The building has a full width fascia sign and a projecting box sign at the western nearest to South Street. The 3 vertical banners are hung at regular intervals between first floor windows.

Palace Gate is an historic street, giving access to the Bishop's Palace and to the Cathedral Close. It is lined by listed buildings, some of outstanding interest. Of particular note is the 14th century grade 1 listed Palace Gatehouse, which closes the view from South Street. All the listed buildings in Palace Gate form a group and the street provides their shared setting. The sheer variety and quality of this group gives a distinctive character to this part of the Central Conservation Area. The Inspector

considered the appeal property, while not itself listed, to be an attractive building in its own right which contributes positively to the character of the street scene. Altogether this part of the city is an important heritage asset, of considerable significance and great architectural, historic and cultural value.

The Inspector noted that the townscape analysis attached to the Council's conservation area appraisal identified the notable view from South Street towards the Palace Gatehouse. No.10-12 features in this view. He considered the banners to be intentionally eye-catching. They intrude significantly into this important view, reducing the quality of the street scene and obscuring details of the adjoining listed buildings. He also considered the prominence of these modern plastic banners when seen against the backdrop of the 14th century Gatehouse to be incongruous and entirely inappropriate. They undermine the quality of the group and prevent the full appreciation of this important listed building in its setting, thereby also undermining the distinctive character of the Conservation Area.

The Inspector considered that the banners have such a negative impact on the character of the street that their retention would seriously undermine the historic and cultural value of the street, reduce the quality and interest of the setting of important listed buildings and diminish the significance of the area as a valuable heritage asset. This would be entirely contrary to the objectives of national planning guidance and local planning policies intended to protect the historic environment and would clearly not be in the public interest.

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Devon and Exeter Squash Club, Prince of Wales Road, Exeter, Devon EX4



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Reference No: 10/0006/03

Proposal: Siting of a mobile catering facility.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

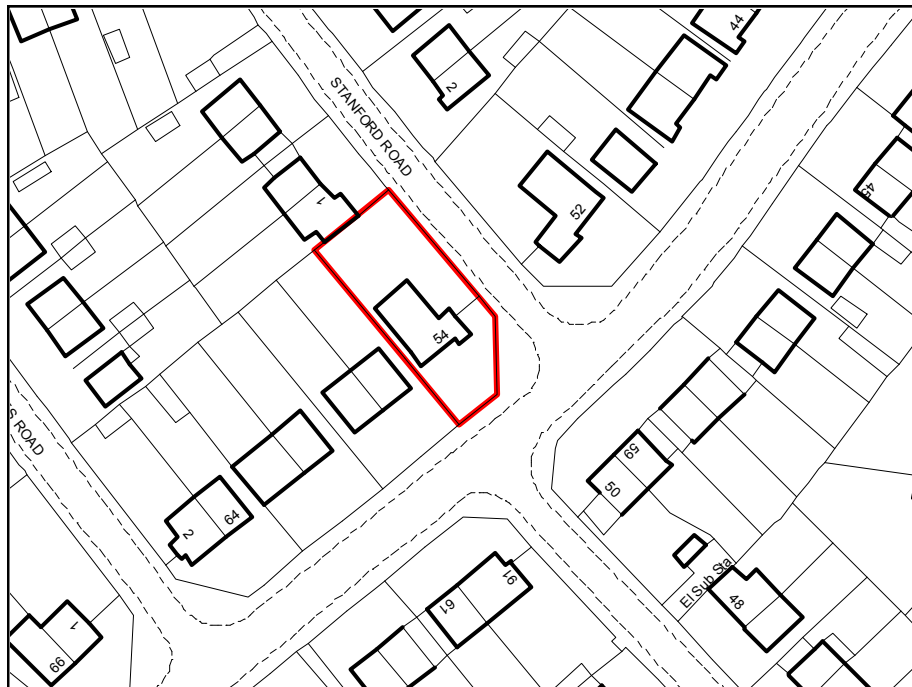
Grounds:

The main issue was whether the mobile catering facility would preserve or enhance the appearance and character of the Longbrook Conservation Area.

The mobile catering facility is located in front of the Squash Club on a landscaped area between the Road and the Club. The Inspector noted that it is easily seen from Prince of Wales Road; it does not resemble a parked car but is quite clearly a commercial operation. The facility's rectangular shape, its flat roof, white colour, and open sided vending is at odds with the prevailing form and character of development in that part of the Conservation Area. The Inspector was in no doubt that the retention of this catering facility would not even preserve let alone enhance the appearance and character of the Conservation Area. Neither would approval of the proposal meet the relevant Structure and Local Plan Policies that require development to promote locally distinctive designs and improve the quality of Exeter's rich townscape that is so treasured by residents and visitors. He therefore dismissed the appeal.

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54 Broadfields Road, Exeter, Devon EX2 5RG



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Reference No: 10/0089/03

Proposal: Erection of a detached dwelling, parking, access to highway and associated works.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

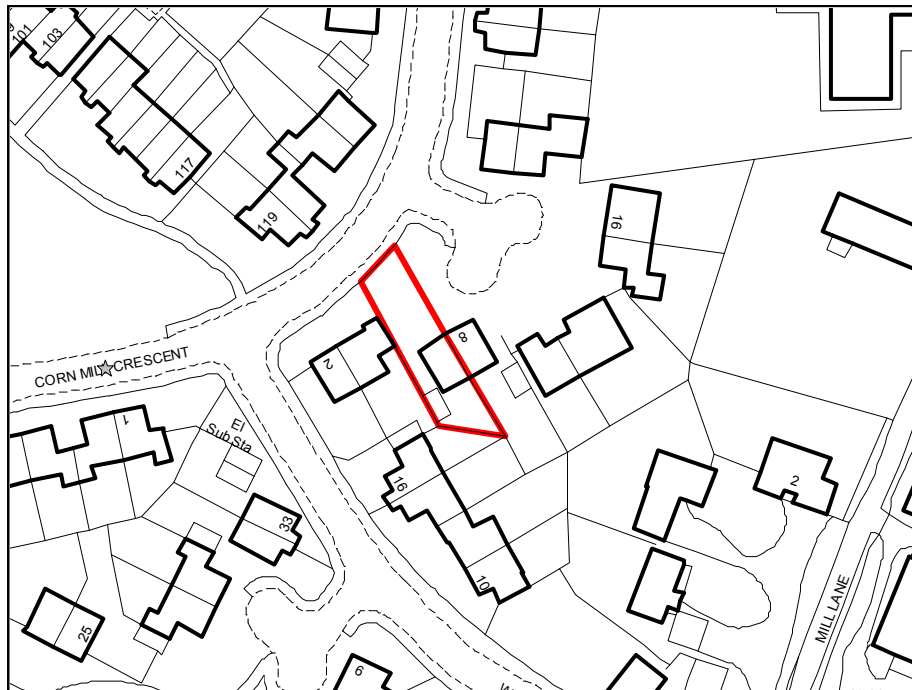
The main issue was whether the proposal would be a cramped form of development adversely affecting the street scene and neighbours' amenities.

The Inspector fully accepted the Council's argument that the proposed development would be cramped against its side boundaries and against adjoining dwellings. The parking arrangement at the front of the dwelling would add to this cramped appearance. The resulting layout would be at odds with the generally much more spacious layout of the Broadfields estate, particularly at street junctions. Forcing a dwelling into a gap between existing dwellings would also impact on neighbours' amenities. He also agreed with the Council that the proposal would have a negative impact on the privacy, outlook and light that occupiers, now and in the future, at the host dwelling and at No 1 Stanford Road, should be able to enjoy.

For these reasons he concluded that the proposal fell below the standard of development expected by ELP Policies DG1 and 4.

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6 Cornmill Crescent, Alphington, Exeter, Devon EX2 8TW



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Reference No: 10/0275/03

Proposal: Single storey side extension (including front porch and rear family room).

Application Decision: Delegated Refusal

Type of Appeal: Householder

Appeal Decision: ALLOWED subject to conditions.

Grounds:

The main issue was whether the proposed extension would be sufficiently sympathetic to the appearance and character of the appellant's house, and that of other houses in Cornmill Crescent.

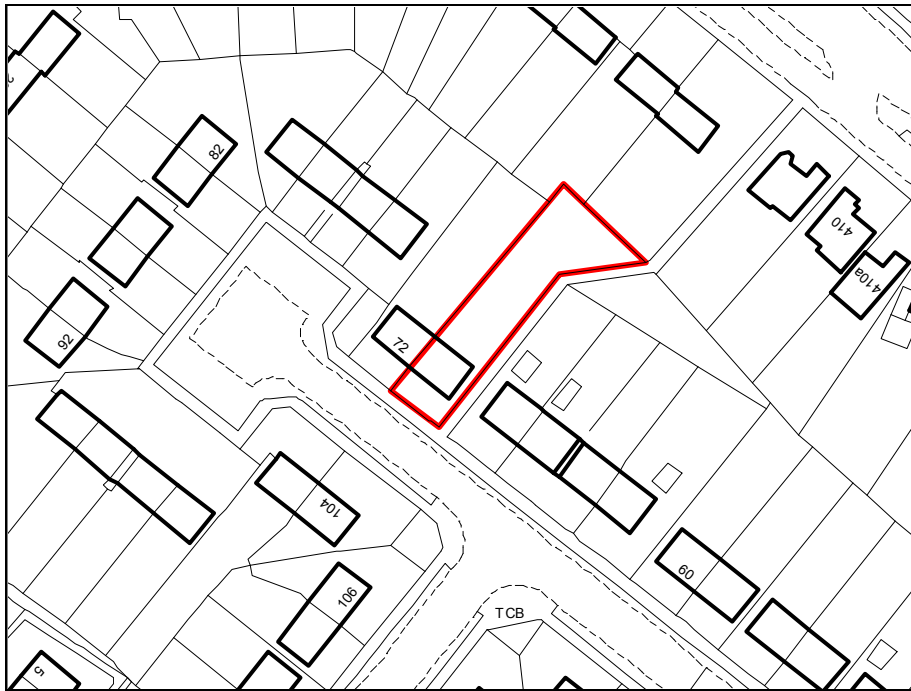
The Inspector noted that the proposal did not strictly comply with guidance in the Council's SPD *A Householder's Guide to Extension Design* in that the side extension would be slightly more than half the width of the house and would project forward of the front wall. However, he attached weight to the appellant's claim that what he proposed varied very little from what could be carried out as "permitted development". The Inspector also took into account the variety of extensions that have been carried out to other houses in the street, some of which could not be described as subservient.

The Inspector concluded that the scale, mass and roof form of the proposed extension would not be materially harmful to the appearance of the appellant's house or others in Cornmill Crescent.

The appeal was allowed subject to conditions requiring commencement within three years and the use of matching materials.

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70 Lower Wear Road, Exeter EX2 7BG



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Reference No: 10/0516/03

Proposal: Two-storey side extension.

Application Decision: Delegated Refusal

Type of Appeal: Householder

Appeal Decision: ALLOWED subject to conditions

Grounds:

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

The Inspector noted that this semi-detached house featured corrugated metal sheeting on the first-floor elevations and roof. Many similar houses on the estate have a rendered finish and tiled roofs replacing the corrugated sheeting. Single-storey side

extensions are common. The other house in the pair, no.70, had undergone both these improvements.

The Inspector considered that the continued roof ridge and front building line would be more sympathetic and appropriate to the existing building than would a design featuring a lower ridge and a stepped-back front elevation. In his opinion, these ways of demonstrating subservience in an extension are not always appropriate, and would yield a less satisfactory appearance in this case. In his view, the proposed design had the merit of preserving the uniform building line of the housing blocks which characterised the layout of the estate.

The Inspector considered that the design merits of the proposed scheme outweighed the guidance regarding setbacks of side extensions in the Council's SPD *A Householder's Guide to Extension Design*. The proposed extension complied with the principal element of this guidance, namely that it should be no more than half the width of the original house.

One detail of the proposed design was accepted by the appellant to be capable of improvement, namely the round window in the new flank elevation. The Inspector considered a condition requiring a more appropriate design to be reasonable and justified in the interests of improving the appearance of the proposed extension.

The appeal was allowed subject to conditions requiring commencement within 3 years, the submission and approval of a revised drawing showing an amended design for the window in the flank elevation and the submission and approval of samples of materials.

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10 South Avenue, Exeter, Devon EX1 2DZ



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Reference No: 10/0534/03

Proposal: Ground floor extension.

Application Decision: Delegated Refusal

Type of Appeal: Householder

Appeal Decision: ALLOWED subject to conditions

Grounds

The main issue was whether the proposed development would preserve or enhance the character or appearance of the Baring Crescent and Mont le Grand Conservation Area.

The Inspector did not agree with the Council that the original buildings in the Conservation Area were largely unaltered. He observed numerous small additions and side extensions to the houses within South Avenue. He thought the Council had overstated the importance of symmetry in the street scene. He did not consider that the addition of a very modest side extension would significantly harm the character and appearance of either the existing buildings or the wider townscape.

The Inspector noted that the extension had been designed to incorporate features, such as an arched window, to replicate the detailed form and appearance of the host building. It would be set back from the front elevation of the existing building ensuring that the new addition would appear as a subservient feature. He did not consider that

the resulting development would erode the distinction between pairs of semi-detached houses, or lead to a terracing effect, because of the extension's small size, single storey height and setback.

He concluded that the proposed development would preserve the character and appearance of the Conservation Area and would not conflict with DSP Policies CO6 and CO7 or ELP Policies C1 and DG1 and the Council's adopted SPD.

The appeal was allowed subject to conditions requiring commencement within three years, compliance with approved plans and the use of matching materials.

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APPEALS LODGED

Application	Proposal	Start date	Received date
36 Lower North Street, Exeter, EX4 3EU	Conversion of attic space to provide bedroom with new staircase, associated internal alterations and provision of rooflight to rear and timber decking to provide access from first floor to rear garden.	09/07/2010	12/07/2010
107-109 Beacon Avenue, Exeter, EX4 8LT	Development to provide one storey building comprising three self contained flats	13/07/2010	13/07/2010
6 Cornmill Crescent, Exeter, EX2 8TW	Ground floor extension and garage on west elevation and porch on north elevation	13/07/2010	14/07/2010
10 South Avenue, Exeter, EX1 2DZ	Ground floor extension on north elevation	14/07/2010	15/07/2010
27 Plassey Close, Exeter, EX4 5HE	Relocation of fence and extension of cartilage to south of dwelling.	14/07/2010	15/07/2010
13 Walsingham Road, Exeter, EX2 7RH	Fence to north east and south east elevations	22/07/2010	22/07/2010
36 Norwich Road, Exeter, EX4 2DN	Two storey extension on west elevation	26/07/2010	26/07/2010
Buffet City, George Street, Exeter, EX1 1BU	Internally illuminated fascia sign and 2 non illuminated panel signs at north entrance to underpass	28/07/2010	28/07/2010

Higher Duryard House, Higher Duryard, Pennsylvania Road, Exeter, EX4 5BQ	Detached bungalow and detached garage	03/08/2010	03/08/2010
16 Hereford Road, Exeter, EX4 2EX	Two storey extension on south elevation and window on west elevation	05/08/2010	05/08/2010
10 Honey Lane, Exeter, EX1 3TB	Redevelopment to provide five dwellings, access to highway and associated works	06/08/2010	06/08/2010
8 Tresillian Gardens, Topsham, Exeter, EX3 0BA	Ground floor extensions on north elevation	13/08/2010	13/08/2010
8 Hamilton Road, Topsham, Exeter, EX3 0LH	Two storey extension to south west elevation	16/08/2010	16/08/2010
71 Roseland Avenue, Exeter, EX1 2TN	Two storey extension on east elevation	16/08/2010	17/08/2010
30 Edwin Road, Exeter, EX2 8JF	Ground floor extension on south east elevation	17/08/2010	17/08/2010

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