

EXETER CITY COUNCIL

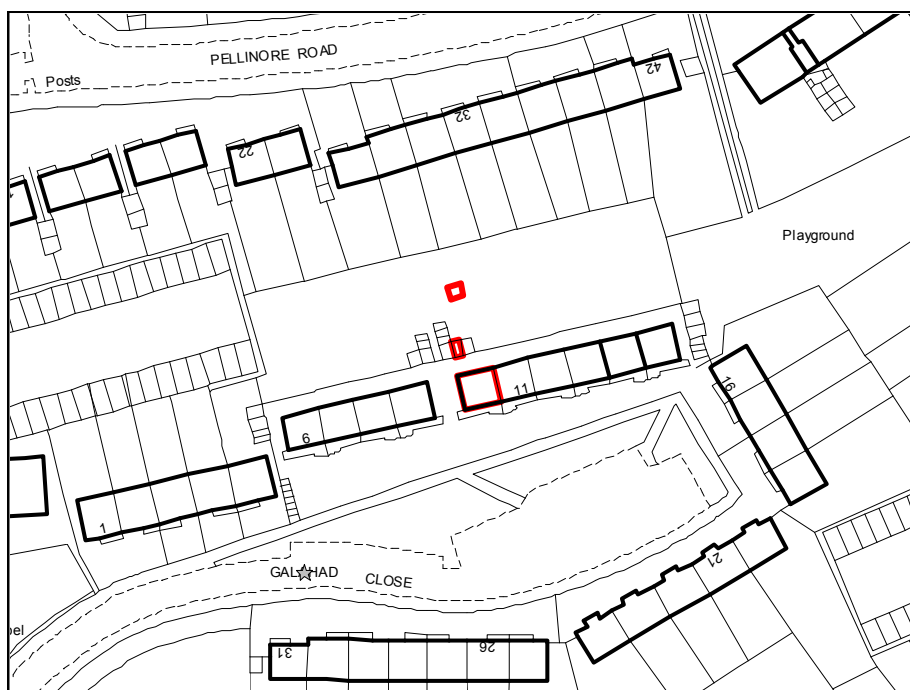
**PLANNING COMMITTEE
31 OCTOBER 2011**

APPEALS

DECISIONS RECEIVED

SUMMARY: 5 appeal decisions have been received since the last report:
3 were dismissed, 1 allowed subject to conditions and one allowed with no conditions.

10A Galahad Close, Beacon Heath, Exeter, Devon EX4 9BD



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Reference No: 11/0189/03

Proposal: Retention of raised decking in garden to north of property.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: ALLOWED

Grounds:

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

The appeal site forms part of an area of enclosed land to the rear of a residential block at 10-15 Galahad Close. The land to the rear of the block was originally provided as communal open space for the properties. However, the eastern part of this land, to the rear of Nos 13-15, has been enclosed by timber fencing to form individual garden plots for those properties. The Inspector considered that these arrangements reflected the more traditional garden enclosures to the surrounding dwellings, and they appeared neither incongruous nor intrusive in their settings. In contrast, the land to the western end, behind Nos 6-9 remained open and appeared relatively unmanaged in comparison to the remainder of the space. Despite maintaining its original form, he considered there was little merit to the contribution this area made to the wider residential character of the area.

The decking had been erected centrally upon land immediately behind Nos 10 and 10A. The Inspector considered that, despite being clearly visible from many surrounding properties, the decking appeared as a typical, timber garden structure that did little to detract from the limited value attributed to the openness of the space it occupied. The 1.5m high balustrade around the decking was not excessive in his opinion being lower than most other nearby enclosures. Overall, he found the structure to be appropriately residential in scale, appearing neither overly dominant nor intrusive within the context of its immediate setting.

The Inspector concluded that the decking did not appear harmful to the character or appearance of the area and that there would therefore be no conflict with development plan policies.

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7 Hoopern Avenue, Exeter EX4 6DN



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Reference No: 11/0277/03

Proposal: Demolition of existing dwelling and erection of one two-storey and one single-storey dwelling.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were the effect of the proposal on the character and appearance of the area, and the living conditions of adjoining occupiers.

Hoopern Avenue is a short cul-de-sac of 1930's dwellings in a well-integrated group. The Inspector considered that the existing dwelling has a visual presence that is consistent with the rhythm and character of the street scene.

The proposed dwellings would be arranged in a tandem formation. Plot 1 would sit towards the front of the site in a position similar to the dwelling it would replace. The Inspector considered that it would have a more conspicuous presence within the street scene when compared with the existing dwelling. In addition, rather than facing Hoopern Avenue, it would face directly towards the flank elevation of 8 Hoopern Avenue. Taken together, he found that these factors would result in a dwelling that would clearly stand out as an incongruous addition to the more traditional townscape within the cul-de-sac.

The gardens of properties on the north side of Hoopern Avenue give an overall impression of spaciousness to the locality. This is further enhanced by views into open land to the west of the appeal site which has a distinctly rural character. The Inspector agreed with the Council that the siting of the dwelling on Plot 2 would seriously erode the spacious quality of the site, as well as the important contribution it makes to the wider character of the area. Moreover, its backland nature would be entirely at odds with the established pattern and grain of development within the area. Plot 2 would also appear harmful to the outlook from No 8.

The Inspector considered that the dwelling proposed on Plot 1 would create an unacceptable level of overlooking that would result in a significant loss of privacy to the neighbouring occupiers.

The appellant had argued that the proposal would maximise the use of previously developed land on an infill corner plot, in line with ELP Policies H1 and H2. The Inspector was mindful that revised Planning Policy Statement 3: *Housing* specifically excludes gardens from the definition of previously developed land. Furthermore, Policy H2 is clear that any attempt to maximise development potential should not be at the expense of local amenity or the character and quality of the local environment.

Wembury, New North Road, Exeter, Devon, EX4 4AG.



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Reference Nos: 11/0293/14 (Application for Conservation Area Consent) (Appeal A)
11/0176/03 (Application for Planning Permission)(Appeal B)

Proposals:

(Appeal A) Demolition of a single storey extension

(Appeal B) Demolition of a single storey extension, conversion of existing dwelling to form 2 apartments, development of 6 new apartments, alterations to an existing vehicular highway access, the closure of an existing highway access and the provision of cycle storage.

Application Decisions: Delegated Refusals

Type of Appeals: Written Representations

Appeal Decisions: Appeal A: **ALLOWED** subject to conditions.

Appeal B: **DISMISSED**

Grounds:

The main issues were: whether the proposal would preserve or enhance the character or appearance of the Taddyforde Conservation Area (Appeals A and B) ; the effect upon the living conditions of neighbouring residents, having particular regard to any noise disturbance that may be experienced by the occupiers of 1 Thomas Lane (Appeal B only) and; whether the proposal would provide adequate living conditions for occupiers of the new units (Appeal B only).

Conservation Area (Appeals A and B)

The Council's Conservation Area Appraisal, describes Wembury as a building that makes a positive contribution to the character of the area and identifies the roadside planting as an area of important trees. The Inspector concurred with the Inspector dealing with a 2007 appeal at the site that Wembury is an attractive house and that its generous-sized garden is important in maintaining the low density character and attractive spacious setting to the early 20th century houses that lie on the western side of this part of the road. The roadside hedgebank also assists in creating a strong sense of enclosure along this section of New North Road and is an important feature of the street scene.

The existing single storey extension is a later addition to Wembury. Its long, low profile has little in common with the form and dignified appearance of the main house. The Inspector concluded that the removal of this extension would not harm the contribution that Wembury makes to the character or appearance of the Conservation Area and he therefore allowed Appeal A.

Proposed Unit A would replace the above extension. Whilst it would be lower than Wembury its height and mass would be very much greater than the existing extension. Its design and appearance would also be very different to the existing house. It would fragment the plot and diminish the sense of spaciousness in this section of the street. Unit B would occupy a sizeable part of the existing garden and, along with the construction of some parking spaces within the front lawn, would seriously detract from the attractive garden setting to the existing house. The Inspector considered that Units A and B would erode the low density character of the Conservation Area.

The Inspector agreed with the Council that some of the above parking spaces could harm a Sycamore tree growing within the roadside bank. In addition, the proposed footway across the site frontage would involve removing some of the existing roadside hedgebank. This would be likely to weaken the sense of enclosure along this section of the street detracting from the street scene and the character and appearance of the Conservation Area.

Living Conditions – Neighbouring Residents (Appeal B only)

Whilst the scheme would result in an increase in activity in and around the site, car parking/turning would be restricted to the front of the site and adjacent to the busy New North Road. The Inspector did not consider the development would result in harmful noise disturbance for the occupiers of the neighbouring dwelling at 1 Thomas Lane.

Living Conditions – Incoming Residents (Appeal B only)

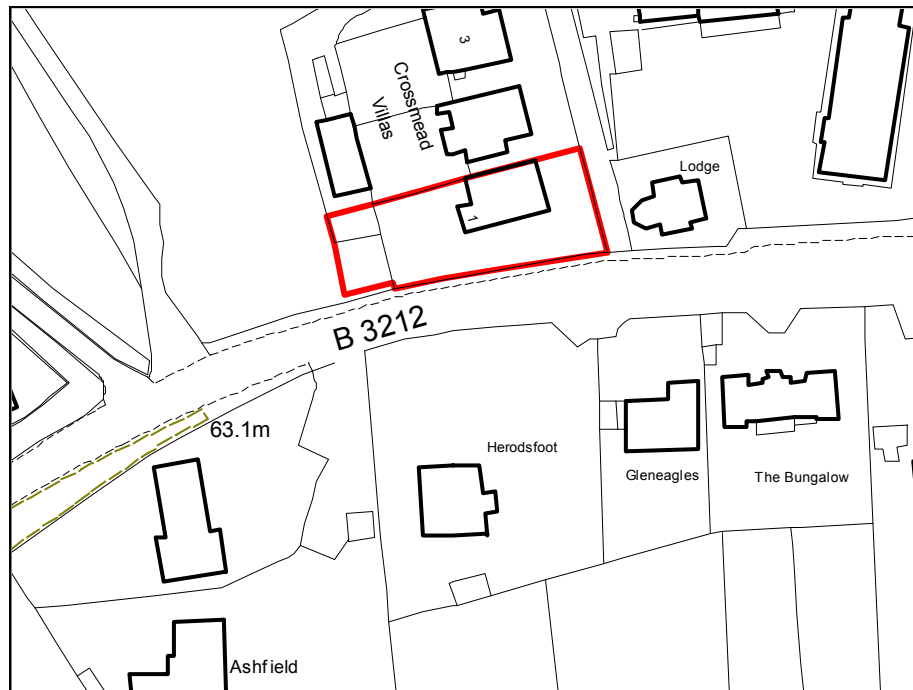
Some of the proposed rooms would be of a limited size and would not meet the standards specified within the Council's '*Residential Design*' SPD. Some external areas of communal amenity space would also be very close to some of the windows in the new flats. The Inspector noted that the SPD was not intended to be rigidly applied and considered these matters would be apparent to prospective tenants before they occupied the units. In his opinion adequate internal and external amenity space would be provided and these limitations of the scheme were not so serious as to justify withholding permission.

Appeal A was allowed and conservation area consent granted for the demolition of the single storey extension at Wembury subject to conditions requiring commencement

within 3 years and the submission and approval of details of the external appearance/finish of the south facing elevation of the remainder of the dwelling.

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1 Crossmead Villas, Dunsford Road, Exeter EX2 9PU



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Reference No: 11/0330/03

Proposal: Detached garage to west of property and re-building of garden wall.

Application Decision: Delegated Refusal

Type of Appeals: Householder

Appeal Decision: DISMISSED

Grounds:

The main issues were the effect upon the character and appearance of the area and the setting of 1 Crossmead Villas, a listed building.

The proposed garage was proposed on land presently occupied by 2 Irish Yew trees and 2 Western Red Cedar trees. These trees all form part of a Woodlands TPO, which covers a larger area extending away from the site.

The Inspector noted that although the trees on the appeal site were not indigenous woodland species, they occupied a prominent location on the fringe of the group. He considered that, together with their high visibility within the street scene they made a

valuable and important contribution to the woodland unit as a whole. He considered that the proposed garage building would significantly alter the collective appearance of the woodland in a manner that would damage its sylvan character and enjoyment when seen from the public realm. There was no substantive evidence to suggest that the existing trees were of significant ill health or that they provide any potential danger to highway or pedestrian safety along Dunsford Road. Given their overall contribution to the character of the area, he found no justification for the premature felling of these mature trees.

The Inspector also considered that the proposal would be unlikely to endanger the health or vitality of a Beech tree on adjoining land and considered that the proposal would adequately preserve the setting of the listed building.

Notwithstanding his findings in relation to the setting of the listed building, he concluded that the loss of the TPO trees and the visual impact of the garage would be harmful to the character and appearance of the area contrary to development plan policies.

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APPEALS LODGED

Application	Proposal	Start Date	Received Date
3a Parkhouse Road, Exeter, EX2 9DB	Redevelopment to provide attached dwelling	20/09/2011	20/09/2011
3 St Leonards Road, Exeter, EX2 4LA	Hardstanding to west of property, access to highway & rebuilding of wall on west boundary.	13/10/2011	13/10/2011

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