

**EXETER CITY COUNCIL**

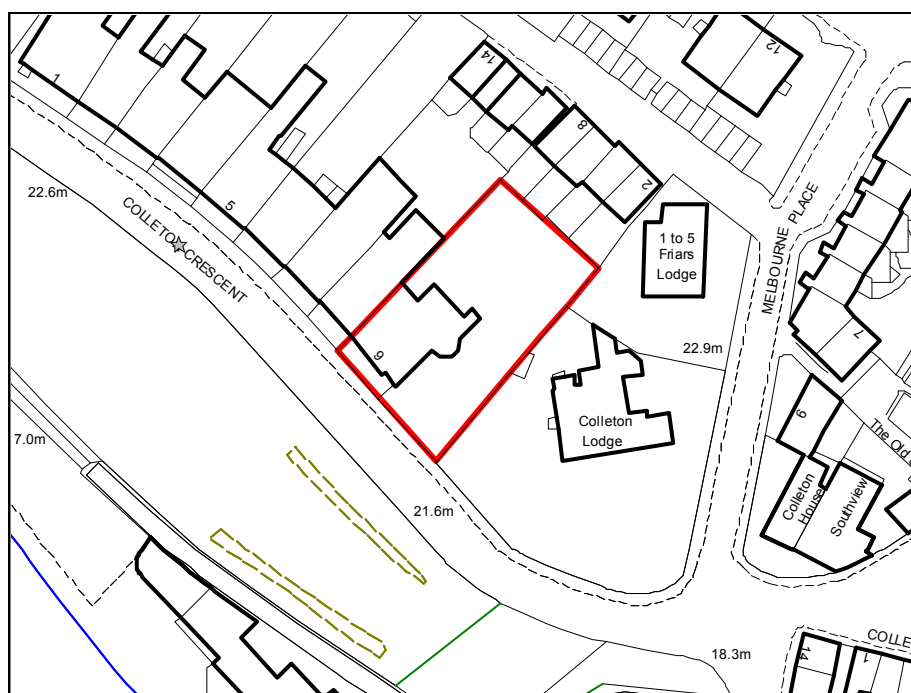
**PLANNING COMMITTEE  
21 MAY 2012**

**APPEALS**

**DECISIONS RECEIVED**

**SUMMARY:** 5 appeal decisions have been received since the last report:  
all were dismissed.

**9 Colleton Crescent, Exeter, Devon, EX2 4DG.**



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**Reference Nos: 11/1255/07 (Appeal A)  
11/1256/03 (Appeal B)**

**Proposals:** 1) Construction of an opening in the wall between the dining room and the  
living room for the installation of a set of double doors (Appeal A).  
2) Alterations to provide a basement apartment (Appeal B).

**Application Decisions:** Delegated Refusal

**Types of Appeal:** Written representations

**Appeal Decisions: BOTH DISMISSED**

## **Grounds:**

The main issues were whether the proposal would preserve the Grade II\* listed building at 9 Colleton Crescent or any features of special architectural or historic interest which it possesses (Appeal A only) and; whether the proposal would provide adequate living conditions for occupiers of the proposed apartment, having particular regard to light and outlook (Appeal B only).

1-9 Colleton Crescent is an attractive red brick terrace of three and four storey houses built at the beginning of the 19<sup>th</sup> century located within the Southernhay and The Friars Conservation Area. This row of Georgian buildings contained a mix of residential and business uses.

### *Appeal A*

9 Colleton Crescent has recently been subject to sympathetic renovation and restoration work and is now being re-used as a dwelling. The works include structural repairs to the internal wall between the first floor living and dining rooms. As set out within the appellants' 'Assessment of Significance', the interior is well preserved and the original layout remains essentially intact.

The Inspector concurred with the Council that the significance of 9 Colleton Crescent as a heritage asset included the design and form of the first floor reception rooms. This added considerably to the aesthetic value of these rooms as architectural spaces. The proportions, walls, doors and details of these spaces, including the single point of entry/exit to the dining room, were integral to the original plan of this high status house. As noted in *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide 2010*, the plan form of a building is frequently one of its most important characteristics. The Inspector considered the proposed works would disrupt the design and interior plan form/layout of these principal rooms, considerably eroding the aesthetic value of these internal spaces. The scheme would unacceptably diminish the significance of a building which is of more than special interest. This harm would not be outweighed by any versatility the works would bring to the continuing use of the building as a family-home.

On the first issue the Inspector concluded that the proposal would fail to preserve the Grade II\* listed building at 9 Colleton Crescent or the features of special architectural or historic interest which it possesses, contrary to ELP Policy C2 and the NPPF.

### *Appeal B*

The Inspector accepted that the proposed apartment would add to the housing stock and provide the appellants with additional income that could assist in the maintenance of the building. However, national and local planning policies required residents to have good standards of amenity. In this regard, the Council's *Residential Design SPD* advises that residents should "*feel at ease in their homes*" with sufficient daylight to allow comfortable use and a good quality outlook.

The Inspector noted that no shadow path analysis had been carried out as advised in the SPD. He considered that whilst there was likely to be adequate daylight within bedroom 1 and much of the proposed "*open plan living space*", the amount of natural light within proposed bedroom 2 would be inadequate.

The outlook from the habitable rooms within the apartment would be constrained by the proximity of garden/boundary walls resulting in an oppressive outlook from bedroom 2.

Together with the Inspector's findings above in respect of natural light, he considered living conditions within this part of the apartment would be gloomy and bleak. Residents of this apartment would be unlikely to feel at ease in their home.

The Inspector concluded in respect of the second main issue that the proposal would be unlikely to provide adequate living conditions for occupiers of the proposed apartment, contrary to ELP Policy DG4(b), the Council's SPD and the NPPF.

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### 9 Woodland Road, Exeter EX1 3PL



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**Reference No: 11/1339/03**

**Proposal:** Loft conversion to include replacement of roof and side dormer and replacement side porch.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Householder

**Appeal Decision:** DISMISSED

**Grounds:**

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

The appeal related to a detached bungalow situated on a spacious plot within Woodland Road. Existing surrounding development included a mix of single and two storey dwellings. Traditional pitched or hipped roofed forms predominated. Where dormer windows had been added, these were mainly in the form of individual flat or pitched roofed dormers of moderate size.

The Inspector therefore shared the Council's concern about the size, length and bulk of the proposed side dormer, which would extend down almost the full length of the side elevation. Because of the gaps between the buildings, the proposed dormer would be very prominent in the street scene and, given the characteristics described above, would appear as a discordant and obtrusive addition to the dwelling.

This objection is not outweighed by the advantage of removing the somewhat awkward flat roofed sections of the existing bungalow. The Inspector saw no reason why it should not be possible to design a scheme that resolves the problem of the existing flat roofs whilst also respecting the character and context of the host property.

The Inspector took this view particularly in light of the national advice on design, which is carried forward in the recently published National Planning Policy Framework, and which makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. In this respect, the Framework was broadly consistent with saved DSP Policy CO6 and ELP Policy DG1 and the Council's adopted *Householder's Guide* SPD, to the extent that these seek to ensure that development is compatible with its surroundings and respects the character and features of the environment.

The Inspector concluded that the proposed development would cause significant harm to the character and appearance of the area, in contravention of the above policies. He considered this harm to be significant and over-riding and not outweighed by the improvements that would be made to the property and the accommodation.

## The Range, 1 Water Lane, Havens Bank, Exeter, EX2 8BY



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### **Reference No: 11/1674/05**

**Proposal:** Appeal against Condition 3 of Advertisement Approval 11/1674/05 to allow the continued display of window vinyl advertisements on south west and north west elevations.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written representations

**Appeal Decision: DISMISSED**

### **Grounds:**

The main issue was whether the imposed condition was justified in the interests of the visual amenity of the surrounding area.

The appeal followed the Council's decision on an application for retrospective express consent to upgrade the existing scheme of signage for a store in the Haven Banks Retail Park. The Council granted consent for a number of replacement signs on 14 November 2011. However, Condition 3 of the consent excluded a new element in the application, the window vinyls. The appeal sought the deletion of that condition with the effect of thereby extending the express consent to those vinyls.

The Range occupies an end unit of the Haven Banks Retail Park. Its access fronts the shared car park, but the side elevation faces Water Lane. Both the front and side

elevations have large, double-height, windows at first floor level. The vinyl advertisements, which remain in place, are on the window to the right of the entrance facing the car park and along three windows on the side elevation. Altogether the front and side vinyls have a total area approaching 80m<sup>2</sup>.

The Inspector agreed with the Council that the scale, height, colour and nature of the vinyl displays resulted in a highly visible element in the street scene. Not only did the vinyl display adjacent to the store entrance dominate the access to the car park from Water Lane, but the vinyls on the side elevation represented significant intrusions into the street scene. The impact on the visual amenity of the surrounding area was exacerbated by the proximity of residential properties, including some immediately opposite the store's side elevation. The vinyl advertisements were visible from a number of these properties and represented a visual intrusion into the living conditions of the occupants and significant material harm to the character and appearance of the surrounding area.

The Inspector did not accept the appellant's suggestion that the vinyls benefitted the appearance of the store by screening its interior. He agreed with the Council that the effect of the vinyls was to alter the character of the building in a manner that did nothing to benefit its relationship to the street scene or the surrounding area.

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### 19 Hazel Road, Exeter, EX2 6HH



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**Reference No:** 12/0064/03

**Proposal:** Retention of a 1.8 metre high boundary fence around front garden.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Householder

**Appeal Decision:** **DISMISSED**

**Grounds:**

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

The property is in an estate of mid-20th century red brick, semi-detached dwellings which produce a regular pattern in the street scene. Front boundary treatments vary greatly with a number of properties having hedges, including some above 1.8 metres in height, whilst others have waist-high brick walls or fences.

The Inspector strongly agreed with the Council that the wood panel fencing that had been used at the front of the property appeared more appropriate to a back garden rather than a property's street frontage. He also agreed with the Council that the scalloped form of the panels used emphasised the unusual nature of the boundary treatment adopted for the front garden. The erected fencing not only spanned the dwelling's frontage but also the boundaries that separated it from the properties on either side. The overall impression was of a very strong sense of enclosure with No 19 cutting itself off both from the street and its neighbours.

Although the Inspector considered that the visual impact of the fencing was reduced by the drop in levels when seen from the road, he thought that that change in level exaggerated the sense of enclosure when the fencing was seen from the adjacent footway. Moreover, the boundary treatment was sufficiently uncharacteristic of the area to cause it to be exceptionally visually prominent, drawing the eye in the street scene when seen from either direction. He considered the fence to be an intrusive and unsympathetic form of development.

The Inspector appreciated the appellant's wish for privacy. However, he considered that a sufficient degree of enclosure could be achieved with alternative front boundary treatments, such as hedging, as had been used elsewhere in the area. These would result in a more attractive outcome in greater harmony with the character of the area. The present treatment, by contrast, is neither of a form nor uses materials that relate well to that predominant character. He concluded that the development was therefore contrary to ELP Policy DG1.

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## **APPEALS LODGED**

<b>Application</b>	<b>Proposal</b>	<b>Start Date</b>	<b>Received Date</b>
11/1339/03 9 Woodland Road, Exeter, EX1 3PL	Alterations to roof including raising of ridge level, gables, rooflights, juliet balcony and dormer window, and porch on north elevation	28/03/2012	28/03/2012
11/1065/03 Thomas Moore, 102-104, Fore Street, Exeter, EX4 3JB	Partial redevelopment to provide 13 self contained flats over four floors, reformed stock room and associated works (Amendment of 10/1687/03 granted 23 February 2011 to include an additional flat)	28/03/2012	28/03/2012
12/0150/03 5 Kimberley Road, Exeter, EX2 4JG	Dormer window on north elevation	01/05/2012	01/05/2012
11/2028/07 42 The Strand, Topsham, Exeter, EX3 0AY	Ground floor extension on the east elevation.	01/05/2012	01/05/2012

**RICHARD SHORT**  
**ASSISTANT DIRECTOR CITY DEVELOPMENT**

### **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: -

City Development, Civic Centre, Paris Street, Exeter (01392) 265223