

**REPORT TO: PLANNING COMMITTEE**  
**Date of Meeting: 30 March 2015**  
**Report of: Assistant Director City Development**  
**Title: Appeals Report**

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

No

**1. What is the report about?**

The report provides Members with information on the latest appeal decisions received and a record of new appeals submitted to the Planning Inspectorate.

**2. Recommendation:**

Members are asked to note the report.

**3. Summary of decisions received**

One decision has been received since the last report:

24 Albert Street, Exeter – Application Reference 14/1828/03

The proposed development was for guarding to the roof terrace and access escape details.

The main issue was the effect of the proposed development on the living conditions of the occupiers of 23 Albert Street.

The appeal property is a 3 storey terrace dwelling situated within a predominantly residential area. It has a flat roof with an access door. The proposal included an increase in the size of the door and the erection of railings along the front and rear elevations. A spiral staircase would be erected to the rear of the property to externally access the roof from the small garden. There would be a benefit to the occupiers, a family, enabling the property's roof to be used as an amenity area because of the limited size of the rear garden. In the absence of detailed and specific evidence to confirm the claimed lawful use of the flat roof, the Inspector adopted the Council's approach towards the assessment of the appeal, which included consideration of the use of the roof as an amenity area.

Within the front slope of the mansard roof of 23 Albert Street there is a large rooflight associated with a bedroom. The Inspector shared the Council's concerns that the roof light would have the potential to cause adverse harm to the amenity space through loss of privacy and overlooking. He agreed with the appellant that the erection of the railings and staircase would not cause harm to the living conditions of the occupiers of No 23. However, the railings could have the potential to intensify use because of improved safety and without an existing lawful use, such an intensification could be detrimental to No 23.

The Council had not objected for reason of harm being caused to the character and appearance of the property and the surrounding area. The Inspector agreed and found no specific conflict with local policies. The Council had identified that if the appeal succeeded there would be a precedent established for other similar proposals

within the surrounding area but this proposal had been determined on its own merits.

**4. New Appeals**

No new appeals have been received.

**5. Home Farm Appeal**

The judicial review on the Home Farm appeal is to take place on 1 June.

**6. Public Inquiries**

No dates have yet been confirmed for Inquiries regarding the Honiton Road mixed use development and Waddeton Park Limited at Exeter Road, Topsham (appeal on non determination – see accompanying Agenda report).

**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 are available for inspection from:  
City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries  
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