

**REPORT TO: PLANNING COMMITTEE**

**Date of Meeting: 2 November 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?**

1.1 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:**

2.1 Members are asked to note the report.

**3. Summary of decisions received**

3.1 One decision has been received since the last report: 56 Beacon Lane.

The applicant had submitted two appeals relating to this property.

The first application (ref 14/0928/03) was refused in September 2014 (Appeal A). The Inspector dismissed this appeal.

The second application (ref 15/0027/03) (Appeal B) was allowed giving permission to demolish the existing side extension and garage; and construction of a new detached dwelling and associated works subject to conditions. Both sites relate to the side garden area of a detached bungalow. The issue here was for non-determination where the Council had not provided any indication of what the decision would have been. The Inspector considered the issues to be:

- I. the living conditions privacy of the occupiers of 118 St Katherine's Road
- II. the character and appearance of the area
- III. highway safety

This summary compares some of the principal issues of Appeal B against Appeal A.

The dwelling in the revised proposal has no first floor windows overlooking the rear gardens and this would not result in intrusion of privacy as would have been the case in the first appeal. Whilst there are no dormers within view from the appeal site they are evidenced in a new development at 48 Beacon Lane and also on the frontage of the property immediately to the south east. Whilst the use of timber cladding would be unusual, it was considered that the existing lack of coherence of design and architectural styling in the vicinity would not make the dwelling look so out of place that it should be dismissed.

In terms of character and appearance, the proposed dwelling would be orientated with a gable end facing the road. It would be slightly narrower than the dwelling in Appeal A and there would be a greater distance to the side boundaries. It was considered that this would not conflict with Council policies.

In respect of Highway safety, the Inspector noted that the new dwelling would utilise the same driveway as the host property which has limited visibility to the right on existing. However, with restricted parking and a current 20mph limit, the situation would not change from that currently in existence.

He also considered that being modest in size and with the distance and angle of its relationship with No 117, it would not be overbearing to occupiers of that property.

In respect of Highway safety, the Inspector noted that the new dwelling would utilise the same driveway as the host property which has limited visibility to the right on existing. However, with restricted parking and a current 20mph limit, the situation would not change from that currently in existence.

The Inspector added a further condition requiring the submission of samples of materials to be used in the external surfaces; details of hard/soft landscaping and boundary treatment; working hours and requiring that the development be carried out in accordance with the approved plans.

The appellants had put forward a number of issues which they considered merited a claim for costs. The Inspector considered each of the issues raised. He decided that the Council had not prevented or delayed development and the award of costs was not therefore justified.

#### **4. New Appeals**

- 4.1 One new appeal has been lodged: Quay Gardens, Monmouth Hill, Topsham. The applicant sought to separate the house and barn annex into two separate dwellings, adding a kitchen to the barn.

#### **5. Public Inquiries**

- 5.1 The Waddeton Park Limited Inquiry at Exeter Road, Topsham will start on 24 November.
- 5.2 The Honiton Road mixed use development Inquiry will take place in the first week of December.

### **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  
Democratic Services (Committees)  
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