

**REPORT TO: PLANNING COMMITTEE**

**Date of Meeting: 24 APRIL 2017**

**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 latest decisions received and new appeals since the last report.

**2. Recommendation:**

2.1 Members are asked to note the report.

**3 Summary of Decisions received:**

3.1 Three decisions have been received since the last report.

**Application No: 16/0707/03 - East Yard, Ide Lane**

This appeal was dismissed. The application related to a site off Ide Lane within the rural part of Alphinbrook Conservation Area and as part of a Valley Park has 'landscape setting' designation. The site is also in Flood Zone 3. The owners had been systematically growing the number of buildings on site for around 14 years to meet their business (mainly storage and vehicle recovery operations) and residential needs. None have planning permission, some are almost certainly lawful. This application related to the newest vehicle storage building which was erected in early 2016. The Council refused to grant retrospective consent on the grounds of harm to conservation area, protecting the landscape setting/valley park and failure to address flood risk matters.

**Impact on conservation area / landscape setting**

The appellant made much of the fact that the site is besides the A30 but the Inspector did not accept that this was a justification for further development in the immediate area. He accepted the building was only visible from a few limited spots along Doctor's Walk. However, he concluded that the building was not typically agricultural in character and therefore it harmed the undeveloped open character of the conservation area/landscape. He added that the appellant had not demonstrated that a rural location is essential for the building.

He criticised Policy C1 of the Local Plan for not according with the NPPF. He advised that we are required to ascribe the level of harm and to balance this harm against any public benefits. He concluded that the harm is "less than substantial" but that there are no public benefits.

**Flood Risk**

The Inspector dismissed the appellant's claim that the site had never flooded. He stated clearly that an applicant has to do better than that to satisfy the sequential test.

The Inspector visited the site on 19 December 2016 but the decision has taken nearly three months to arrive.

**Application Number 16/1567/03 – 18 Sheppard Road**

The Inspector allowed the appeal. The application sought a conservatory on the front elevation.

Application refusal reasons were size, massing and position which would harm the character and appearance of the dwelling and street scene, and impact on neighbour amenity. A similar application was refused in 2015 but allowed on appeal last year due to the conservatory's limited height, extensive glazing and lightweight appearance. The subsequent application was larger, closer to the boundary and introduced significantly more masonry walls.

The Inspector stated that, as the property is set back from the road and there were already a variety of properties in the street scene and a front extension is acceptable. Although the previous appeal "referred to its limited height, extensive glazing and lightweight appearance as favourable considerations, the fact remains that a conservatory of this fairly standard design is a potentially incongruous addition to a front elevation". The decision states the design and size is acceptable for a front addition.

Turning to loss of light and outlook affecting neighbour amenity, the Inspector concluded that no light would be lost and considered it unlikely that the building would appear in the line of sight from the nearest front room of No. 20 due to a hedge and fence. The lack of objection from the neighbour regarding living conditions was noted in the decision.

#### **Application Ref 15/0513/03 – 44 Rivermead Road, St Leonards**

The Inspector allowed the appeal. The application sought a single storey rear extension. The extension would have been close to 6 metres in depth as measured from the back wall of the house. The difference in levels between the garden and the house meant the height of the extension resulted in a scheme with considerable massing. The original Case Officer was concerned about the impact on the adjoining neighbouring property, particularly in terms of loss of light and outlook. Although the applicants eventually agreed to reduce the extension to a depth of 4.7 metres, Officers concluded that they still could not support the scheme and refused consent.

The Inspector, whilst accepting the extension would have an impact on the adjacent property and would restrict outlook, did not consider the impact to be unacceptable. He was critical of the fact a sunlight assessment using the nationally recognised Building Research Establishment guidelines had not been carried out. Nonetheless, he saw no need to carry one out himself, despite admitting that he was "unable to give precision to the effect".

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

4.1 No new appeals have been received:

#### **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

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