

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 4 SEPTEMBER 2017
Report of: City Development Manager
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.

Applications 16/0963/03 and 16/1505//03 – Land bounded by Exeter Road and The Retreat Drive

Application Number 16/0963/03 – the application sought the construction of a B1 office building, access and associated infrastructure works; Application Number 16/1505/03 – the application sought the construction of 7 residential units (flats), access and associated infrastructure works.

The Inspector considered that the two main issues of both appeals were whether the proposals would harm the landscape setting of the city and the integrity of the strategic gap between Topsham; and specifically in relation to Appeal B, whether, if the conclusion in relation to the first main issue is that the landscape setting of the city were considered to be harmed by the proposed development, whether the lack of a five year housing supply, which the Council's most recent report accepts is the case, would have sufficient weight in relation to a scheme for seven residential units, to outweigh any harm identified in the first main issue.

He noted that the site is located within the Topsham Gap and that on the south west side of Exeter Road to the south of the M5 (i.e. Topsham side), the gap has almost disappeared, to the extent that development on the small and physically contained appeal site, either for residential or business use, would have no impact on the integrity of the gap. He stated that the proposed residential development would also be in keeping with the residential character which prevails along the south west side of Exeter Road and also considered that the proposed business use, in a three storey development, would not be out of scale with the M5 embankment and bridge deck forming its immediate backdrop.

In the Inspector's view, this leaves the appeal site insufficiently extensive and insufficiently distinctive to contribute meaningfully to the city's landscape setting or to the integrity of the strategic gap between Exeter and Topsham. He considered that the appeal site is conspicuous in its absence of Development designations which reflects the picture on the ground that it is a site which is not critical to the success of the landscape setting of the city or the integrity of the Topsham Gap.

For the reasons given above, the Inspector concluded that both appeals should be allowed.

Application Ref: 16/1379/03 – 35 Sylvan Road

The application sought a detached dwelling house in the rear garden. The case officer's recommendation for approval reflected Devon County Council's support of the proposed scheme on highway safety grounds. The main issue of the planning proposal then was the

adverse impact upon highway safety – this was the principal reason for refusal in the Council’s decision and this was echoed as the main issue by the Inspector in determining the appeal.

The Inspector recognised that the access lane is very narrow in profile and although it can accommodate small vans and domestic vehicles and is likely used sporadically by existing residents it could not accommodate both a vehicle and a pedestrian at the same time and that it is not suitable for regular daily usage. The access lane would be the primary and only means of access to the new dwelling and so the use of the lane would increase significantly if the development went ahead. The awkward geometry of the junction between the access lane and Sylvan Road and the poor visibility (when looking left and right upon exiting onto the highway) was considered to be sub-standard in failing to achieve that set out for 25mph roads in the *Manual for Streets*. The potential for inter-modal conflict is compounded by existing boundary treatments of each property flanking the access lane (31a and 33 Sylvan Road) – the potential hazard posed to pedestrians was seen as problematic. Whilst the Inspector also took account of examples of other sub-standard highway accesses in the locality none of these shared the same set of characteristics of the proposed access lane and junction onto Sylvan Road.

The adverse impact upon highway safety associated with the proposed development was considered to outweigh the benefits of adding a single dwelling unit to the local housing stock and the appeal dismissed.

Application 16/0825/03 – The Villa, Cowick Lane, Exeter

The development proposed was one detached house.

In dismissing this appeal the Inspector considered the main issue would be the effect of the proposed development on the setting of nearby listed heritage assets. The site is located in the rear garden of a large detached Grade II listed building which has been sub-divided into five self-contained flats. Other residential properties nearby are mostly screened by mature trees and shrubs along the three boundaries of the rear garden. The Villa is a late 18th century detached dwelling which still retains a large garden being the last remaining element of the original designed setting which enhances the imposing nature of the principal elevation. The Inspector notes that Policy C2 of the Local Plan requires development which affects a listed building to have special regard to the desirability of preserving the building, its setting or any features of special interest. The works proposed are not moderate – subdividing the garden and erecting a new dwelling in close proximity to the Villa. This would irretrievably damage the setting, separate the main dwelling from the listed boundary wall and be harmful to the setting and significance of this heritage asset. The Inspector concluded that the proposal would result in substantial harm to the setting and significance of the Villa and its boundary wall and, as such, would be contrary to LP Policy C2 as well as the guidance set out in the Framework.

4. New Appeals:

4.1 One new appeal has been received since the last report.

Application Ref: 17/0886/FUL – 11 Medley Court, EX4 2QN

The application sought a single storey conservatory leanto.

CITY DEVELOPMENT MANAGER

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) - Room 2.3. Tel: 01392 265275