

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 25 June 2018  
**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 **Former Digby Mortuary (East) Clyst Heath, Exeter – Refs 17/0504/03 & 17/0505/07**  
**Proposal:** Conversion of former mortuary building to provide 1 bed dwelling house

**Key issues:**

1. Whether the proposed development would preserve the special architectural and historic interest of the listed building and would its significance as a heritage asset be harmed.
2. The effect of the proposal on the character and appearance of the surrounding area.
3. Whether the proposed development would provide acceptable living conditions for future residents in terms of the provision of internal living space, private outdoor space and privacy.

The former mortuary building is Grade II listed by physical and historical association with the former Digby Hospital or Exeter City Asylum as it was also known. According to Exeter Memories the hospital was opened in 1886 and then redeveloped into residential apartments in the late 1990s. Greenfield land around all aspects of the former Digby Hospital site has largely been transformed by low-medium density housing development in recent decades.

The Inspector notes that heritage significance can be harmed or lost entirely through alteration to the heritage asset or by development within its setting. In this case he points to the clear relationship and coherency between the principal listed building and the former mortuary building element in question, stating that the latter makes an important contribution to the significance of the whole listed entity and to the character and appearance of the area, despite its relatively small size.

Given its modest footprint and volume various alterations were proposed in order to repurpose the building for residential use. This included removal of external access steps, enlarging front door and 2nd window openings, lowering the ground floor and introducing a first floor level. Such loss of historic fabric was deemed by the Inspector to

“appreciably erode the evidential and historic value of this part of the listed building” as well as adversely affecting the aesthetic value of the building. Furthermore, according to the Inspector these alterations “would appreciably harm the special interest and significance of the listed building” and although the harm caused was deemed to be “less than substantial” it would still be contrary to the relevant Act.

It was concluded by the Inspector that these external changes to the building and domestic re-use would have an adverse impact upon the character and appearance of the area but this would not be significant given other external alterations to the principal listed building and the minute provision of external amenity space associated with the proposed scheme. This external amenity space was deemed not to be harmful to the residential amenity of neighbouring properties either given its small size and sizeable separation from these units.

Interestingly, the Inspector points to a ministerial statement (a material consideration) which makes it clear that the nationally described space standards (NDSS) can only be applied if there is a relevant current local plan policy in place (which ECC does not currently have). However, the GIA figures calculated by the Council were apparently accepted over the appellant’s figures because the process of how it derived at that figure was clearly demonstrated whereas the appellant’s was not. Despite the NDSS not being applicable it was asserted that the proposal fell well short of the minimum floor space required for a 1bed 2 storey dwelling house (34.8 sqm as opposed to 58 sqm). Ultimately, the Inspector concluded that the proposed development “would result in a claustrophobic and cramped living space” and “would fail to provide acceptable living conditions for future occupiers”.

When considering the balance between public benefits and harm attributed to the proposal, the Inspector’s view was that re-using a long-term vacant listed building (or element thereof and providing one additional housing unit are public benefits of modest weight in this case. Importantly, the Inspector pointed out that whilst residential use would appear economically viable there was little evidence before him to indicate it is the only viable use – *at pre-application stage and throughout the planning process the applicant was strongly advised by the LPA to undertake a detailed viability analysis of alternative uses for the building; Suggestions included community uses, an office/ studio/ workshop use, or ancillary residential storage to support apartments in the principal block. Notably, the other former mortuary building (West) has planning consent for conversion into a therapeutic health centre (D1).* The decision to dismiss the appeal can be summed up by the following statement: “The modest public benefits attributable to the proposal would not outweigh the considerable importance and weight to be given to the harm of the heritage asset”.

### **Land to rear of 73-77 Wardrew Road – Ref: 17/1202/FUL**

3.2

The application sought demolition of garages and the construction of a three bedroom dwelling.

The main issues were whether or not the proposal would: have an appropriate effect on the character and appearance of the area, provide acceptable living conditions for its intended future occupants, and result in acceptable living conditions for those nearby.

Wardrew Road is characterised by pairs of semi-detached properties, regularly arranged within relatively generous plots of significantly greater length than width. Such features lend the area an orderly and consistent character. The appeal site is a modest parcel of hard surfaced land, set to the rear of Nos 73 to 77 Wardrew Road and contains a dilapidated block of six garages. Outbuildings of differing designs are commonplace near the rearmost garden boundaries of properties fronting Wardrew Road and Buddle Lane. However, with the notable exception of the artist’s studio opposite, they appeared to be generally modest ancillary domestic buildings such as garages and sheds.

The proposal was to erect a three bedroom dwelling. Its contemporary design and

materials would be noticeably inconsistent with the predominantly traditional appearance of nearby properties. Notwithstanding its shallow-pitched roof form, the dwelling would be readily apparent from the adjacent passageway. It would also be visible from a significant number of private vantage points nearby from within other properties and their gardens (which, collectively, become a legitimate matter of public interest). Seen from nearby vantage points the overall scale of the dwelling proposed would be significantly greater than that which is typical of nearby outbuildings, or the existing block of garages. Therefore in scale and visual prominence the proposal would depart from the prevailing character of its surroundings. Neither the location of the dwelling proposed, nor its relationship to nearby properties, would reflect the prevailing consistent pattern of development. As such, the Inspector concluded that the proposal would be detrimental to the harmonious character and appearance of the area and that it would fail to reinforce local distinctiveness.

With regard to living conditions and external amenity, the Inspector noted the appeal site is bounded on all sides by substantial boundary features. The proposed garden, despite meeting the minimum size, is likely to feel unduly enclosed, overshadowed and unwelcoming. Similarly, given the confines of the site in contrast to the prevailing character of the area, there would be no meaningful outlook or sense of openness from within the proposed dwelling at ground floor level. Combined with the modest level of internal and external space provided, the Inspector concluded the proposal would not provide a good standard of amenity for future occupiers.

With regard to the impact of the proposal on neighbours, the Inspector stated, whilst the dwelling proposed would be incongruous in scale and design, this would not be to such an extent that it would result in an unacceptable sense of enclosure to those nearby. Likely noise and disturbance resulting from the proposal would not be unacceptable, nor would associated vehicular use of the passageway. As such, the proposal would be appropriate with regard to the living conditions of the occupants of nearby properties with particular regard to outlook, privacy and disturbance.

In summary, the Inspector said clear harm would arise from the proposal in respect of local character and to the living conditions of future occupants which would significantly and demonstrably outweigh any modest benefits of the proposal. The appeal was dismissed.

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

##### **4.1 17/1148/OUT – Land west of Clyst Road, Topsham**

The application sought outline permission for up to 155 residential units and a 64 bedroom residential car home.

The Planning Inspectorate has decided that the appeal should follow the Inquiry procedure.

#### **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