

**REPORT TO: PLANNING COMMITTEE**  
**Date of Meeting: 1 OCTOBER 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 3 Midway Terrace – Application Ref: 17/1521/FUL  
A single storey “green” dwelling within the existing front garden space.

The appeal has been dismissed. It is the fourth refusal and third appeal dismissal for development at this site. The development of one bungalow has now been refused and subsequently dismissed at appeal twice.

The Inspector concluded that the collective benefits that weighed in favour of the appeal did not outweigh the harm to the significance of the heritage asset (paragraph 134 NPPF) found in assessing whether the development would preserve or enhance the character or appearance of the conservation area.

Points in favour of appeal:

- The provision of a further house is a minor but material benefit to the supply of housing
- The site is located where occupiers would have access to services
- Low pitched sedum roof and modest size reduce the impact of the dwelling

Reasons for dismissal:

- The development would diminish the contribution the site makes to the conservation area, notably Key Features identified in the CA Appraisal, and as a result not preserve or enhance its character or appearance
- The green focus of the area would be undermined by further vegetation removal and the introduction of the building
- Despite efforts to minimise the impact of the building, it would still be visible, and this would alter the character of the immediate area and create a more suburban appearance, and undermine an undeveloped area
- A dwelling in this position would not accord with the established pattern of development within the conservation area, a feature which contributes to its significance
- Alterations to the hedge would reduce the sense of enclosure along this section of Ide Lane
- The 2014 appeal dismissal is a material decision to which the Inspector attached considerable weight

A further point to note from 'Other Matters' responds to the appellant's argument for presumption in favour of sustainable development. The Inspector found that the proposal conflicts with the development plan as a whole and thus paragraph 14 (presumption in favour of sustainable development) is not engaged. Even if this was not the case, as the proposal conflicts with paragraph 134 of the NPPF, Footnote 9 of Paragraph 14 would apply resulting in the presumption being dis-applied. Footnote 9 states that policies relating to heritage assets (and other designations) can restrict development that would otherwise be allowed under the presumption.

### 3.2 Rosary House, 27 Fore Street, Heavitree – Application Ref: 17/1653/FUL A two storey and single storey extensions

The application was refused because the scale and massing of the proposal would: lack subservience and be detrimental to the character and appearance of a Locally Listed Building, local townscape and Conservation Area; and would harm the settings of Listed Buildings.

The Inspector concluded the two storey extension would significantly elongate the rear element. This would unbalance the compact and contained shape of the building, making the rear off shoot overly prominent and competing for dominance with the front section. The design would make reading it as an extension sufficiently straightforward but the rear section would just seem overly long for the design and form of the existing building.

The overly long rear projection would erode the noticeable gap between the existing building and the two storey dwellings to the west. This would have an effect of blurring the distinct and separate appearance of the existing building and reducing the effect of its individual presence in the street scene.

There are a number of statutorily listed buildings in close proximity to the appeal building. The Inspector concluded the proposed development would not harm the neighbouring listed buildings.

The proposed development would be harmful to the design and quality of the existing building and, accordingly, harm the Heavitree Conservation Area. This harm would be less than substantial having regard to NPPF paragraph 196, and should be balanced against public benefit. The public benefit would be to increase the scope for care for animals, and rationalise some poor quality outbuildings, however the Inspector was not persuaded that these outcomes could not be achieved in another way. He concluded the benefits would not outweigh the harm of the proposal and the appeal was dismissed.

## 4. New Appeals

Five new appeals have been received.

- 4.1 13B St James Road – Application Ref: 18/0663/FUL.  
Extension to the dwelling by conversion of a storage building and erection of a covered link.
- 4.2 Grove Hill House, Topsham – Application Ref: 17/1879/FUL.  
New dwelling in the grounds of the house. This appeal has since been withdrawn.
- 4.3 20 Cornflower Hill – Application Ref: 18/0445/FUL.  
Retrospective permission for a single storey extension.
- 4.4 1 Tresillian Gardens, Topsham – Application Ref: 17/1244/VOC.  
Variation of Condition to alter the approved roof materials to natural slates.
- 4.5 16 Higher Kings Avenue – Application Ref: 17/1110/FUL.  
Single storey rear extension.

## **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

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