

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 7 JANUARY 2019  
**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. Appeal Decisions Received**

**3.1 17/1244/VOC – 1 Tresillian Gardens**

The application sought to alter and extend 1 Tresillian Gardens in Topsham. The property dates back to the 1920s and is one of a group of four properties that have common characteristics – not least large gable features in the roof and tightly packed small roof tiles. Whilst No.1 had been extended and altered somewhat in the past, with timber cladding on the gables and concrete tiles rather than clay, the Council considered that its core character remained intact. This scheme was the subject of lengthy pre-application discussion, negotiation and redesign. Eventually, the Council agreed that it would grant permission for a proposal that involved raising the roof by 1 metre so long as the materials remained broadly similar to those already present on the building. At that point, the appellant agreed to drop the idea of using slate and permission was duly granted (Ref. 16/1205/FUL). Subsequently, the appellant stated that there was no intention to use anything other than slate and therefore an amending application was submitted. The Council concluded that the combination of the increased height and massing of the building, and the proposed materials to be used, would harm the character and appearance of the dwelling, the group to which it belongs and the wider Topsham Conservation Area. It therefore refused consent.

In determining the appeal in favour of the appellant, the Inspector gave weight to the fact that the property could not be seen from many public vantage points, that three of the properties within the group of four had already lost their original roofing tiles and that newer buildings had been built in the street that did not draw on the character of these buildings. Indeed, the “considerable variety in the character of nearby properties” appears to have been the crucial factor in allowing the appeal. Because he concluded that the local character and historic integrity had already been undermined, he did not consider that there was anything of significance that should be protected here.

**3.2 18/0701/FUL – 19/20 High Street, Topsham**

The application sought to remove a section of wall on the boundary of No.20 High Street, Topsham from Greatwood Terrace, to create two new car parking spaces.

The main issue is whether or not the proposed development would preserve or enhance the character of the Topsham Conservation Area. In considering this, the Inspector refers to paragraph 196 of the updated National Planning Policy Framework. The Inspector concluded that the wall is both an aesthetically pleasing feature in its own right, and the demolition of this section of boundary wall would harmfully diminish the sense of enclosure within the streetscene and compromise an attractive historic feature which currently separates distinct phases in the evolution of the settlement. It was recognised that the proposal would introduce a new, potentially attractive, feature but this would not share the prominence of the existing boundary wall nor mitigate the harm identified.

The harm was categorised to be less than substantial. The proposal sought to resolve a lack of parking that the Inspector considered a legitimate inconvenience for the occupants of both properties. However, it was agreed that this is a private benefit and the Framework requires the identification of public benefit and the small scale reduction in traffic congestion that would arise

from the proposal was considered to be of limited public benefit not outweighing the identified harm. For these reasons, it was concluded that the appeal should be dismissed as the proposed development was found to fail to preserve or enhance the character and appearance of Topsham Conservation Area.

Of additional note, the Inspector responded to the inclusion of details of previous planning consent for the removal of boundary walling elsewhere in the Conservation Area and concluded that the information provided does evidence that there were individual circumstances in those cases which differentiate them from this appeal. Notably case 1 recognised the difference in heritage value of purported comparative boundary walling, and case 2 was assessed within a different policy context.

### **3.3 17/1924/ADV – Renslade House, Bonhay Road**

The appeal against a condition that required a number of advertisement signs on Renslade House to be non-illuminated has been dismissed. The application sought consent for 11 advertisements on and around the building and consent was granted subject to conditions, the third of which was to prevent illumination. The Council was concerned that by virtue of their location near a Conservation Area and Listed Building, that the illuminated signs would have detrimental impact to their setting and character. The Council also raised concern in regard to neighbouring amenity more generally due to the visual impact from illuminated signs. The Inspector stated that whilst the building itself obscured most of the signs from the Conservation Area, there would be harm to settings of both the Listed Building and when crossing the river on Exe Bridge where there is a sense of approaching the more historic part of the city.

The appellant had argued that there was a commercial need for the proposed illumination stating that those staying at the hotel would not be able to find the premises during the hours of darkness. The Inspector understood this but stated that regulations require decisions to be made in the interest of amenity, which was the decisive factor.

## **4. New Appeals**

### **4.1 17/1970/FUL – Mowbray Cottage, Butts Road**

The application sought a single storey dwelling with 3 bedrooms.

### **4.2 18/0611/FUL – 550 Topsham Road**

The application sought the construction of a single detached two storey dwelling house (re-submission of refused scheme 17/1324/FUL).

### **4.3 18/0534/FUL – Land West of Ringswell Avenue**

The application sought 48 dwellings, means of access, public open space and associated infrastructure.

### **4.4 18/0555/FUL - 20 Victoria Street**

The application sought ground and first floor extensions.

## **5. Public Inquiry**

### **5.1 17/1148/OUT – Land to the west of Clyst Road, Topsham**

The Public Inquiry into this appeal which sought outline planning permission for up to 155 residential units and a 64-bedroom residential care home took place on 4/5/6 December.

## **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