

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 15 April 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. Summary of Decisions Received

3.1 17/1970/FUL - Mowbray Cottage, Butts Road – One single storey dwelling with 3 bedrooms

A planning appeal has been dismissed by the Planning Inspectorate for a single storey dwelling on the grounds of Mowbray Cottage, ref 17/1970/FUL.

The main issues are:

- a) Whether the proposed development would preserve or enhance the character or appearance of the Heavitree Conservation Area and the setting of nearby listed buildings,
- b) Whether future occupiers would be likely to experience acceptable living conditions with particular reference to internal space provision, parking provision and access for wheelchair users, and
- c) The effect of the proposed development with respect to trees and biodiversity.

Heritage

The inspector considered the proposed dwelling would appear cramped and out of place in the context of the Conservation Area, as it would contrast markedly with the large spacious plots found elsewhere. The proposal would therefore result in an incongruous feature within the Conservation Area and the scheme as a whole would fail to preserve the character and appearance of the Conservation Area. Given its design and prominence, the appeal proposal would introduce a feature which also would be incongruous in the context of the setting of the identified nearby listed buildings and the green space associated with the Lodge and Heavitree Park. This visually intrusive structure would draw the eye of a passer-by, detracting from the historic value of the heritage assets, thereby diminishing their significance. Overall, the Inspector concludes that the proposal would be harmful to the setting of the listed buildings as well as being harmful to the character and appearance of the Conservation Area. Paragraph 193 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification in line with paragraph 194 of the Framework. Where a development proposal leads to less than substantial harm, this harm should be weighed against the public benefits in line with paragraph 196 of the Framework. The Inspector found that the benefits which the proposed development will bring are very limited, and taking the above points together, I find that the harm to the Conservation Area and Listed Buildings would outweigh the benefits of the proposal.

The inspector find that the proposed development would not be consistent with the pattern of development within the Conservation Area, and conclude that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area, causing less than substantial harm to its significance. The proposal would further fail to preserve or enhance the setting, and thereby the significance of, the nearby listed buildings. In the absence of any public benefit to outweigh this harm, the proposal would be in conflict with Policies CP4 and CP17 of the Exeter Core Strategy 2012 (the Core Strategy), and Policies C1, C4, L3 and DG1 of the Exeter

Local Plan First Review (2005) (the Local Plan), and Policies DD1, DD8, DD22, DD25 and DD28 of the Delivery Development Plan Document (Publication Version 2015) (the DPD) which, amongst other things such as the protection of green spaces and quality of design, require that new development respect and enhance the special qualities of the Conservation Area and conserve or enhance the historic environment of the surrounding area. Furthermore, the proposal would be contrary to those parts of the Framework which seek to protect the significance of heritage assets.

Living Conditions

Regarding adequate parking, bicycle and bin storage and accessibility the Inspector note that the appeal proposal does provide an access point directly off the adjacent pedestrian footpath, which would allow for wheelchair users to access the living room and washing facilities. Consequently, I conclude that the proposal would comply with Policy CP5 of the Core Strategy, and would be in accordance with Policy DD9 of the DPD which, amongst other things, seek to ensure housing provides suitable access for wheelchairs and is located close to services and facilities. In other aspect of amenity provision and living condition the Inspector concludes it follows ECC's policies and the Residential Design SPD.

Trees and biodiversity

The Inspector conclude that the proposal would not harm by adverse impact on trees and biodiversity and that full details in respect of the provision and retention of landscaping could be suitably secured by condition.

5 year housing land supply

The Inspector conclude that the proposal would be harmful to the character and appearance of the Conservation Area and would be harmful to the setting of the nearby Listed Buildings, and as such paragraph 11(d)(i) of the Framework indicates that that permission should not be granted even if the Council cannot currently demonstrate a five year housing land supply.

4. New Appeals

None.

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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