

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 29 July 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 **19/0220/FUL - 48 St Davids Hill, Exeter – The application was for a loft conversion including raising of roof height and rear dormer.**

The Planning Inspectorate has allowed an appeal in respect of the above.

The Council had refused consent to raise the ridge by 300mm and add a full width flat roof rear dormer to this mid terrace property. The reasons for refusal related to, unsympathetic development, detrimental to the character and appearance of the dwelling and streetscene (particularly as it was visible from Heavitree Pleasure Ground); and that it would set a precedent for further poor development. The Council argued that the development would be clearly visible from Heavitree Pleasure Ground, where dormers were not the dominant character on the rear of this terrace, and the dormers present were most likely constructed under permitted development. It was also argued that the proposed full width dormer, which would dominate the roof slope, and was not set below the ridge level, along with raising the ridge, were harmful to the character of the dwelling, and failed to comply with the Householders Extension SPD.

The Inspector concluded that the raising of the ridge level would not be harmful due to the brief and/or distant views of the front of the property, the alterations would be mitigated due to the parapet walls and chimneys in the terrace, and proximity of the higher ridge at 147 Fore Street. To the rear, the Inspector noted several dormer windows, and described them as a characteristic feature, in a variety of forms. He considered views from Heavitree Pleasure Ground to be distant and limited, and given the visibility of other roof alterations, considered the proposal would not cause harm.

While he acknowledged the proposal conflicted with the adopted Householders Extension SPD, he assessed the case on its merits. He also considered that the proposal would not set a precedent as each case should be assessed on its merits.

- 3.2 **18/0920/FUL – Gipsy Hill Hotel, Gipsy Lane, Exeter – The application was for an extension to existing hotel accommodation block to form 9 serviced 1 bedroom apartments following partial demolition of building and demolition of bungalow.**

This follows an earlier application that was also dismissed at appeal.

The appellant changed the description of the proposal to a development with 9 no. 1-bed serviced apartments instead of 9 no. 2-bed serviced apartments and re-labelled the second bedrooms on the plans as 'studies', although in the appeal statement the appellant stated that they could still be used as second bedrooms. The appellant also showed a number of bedrooms in the hotel as being 'decommissioned' and argued that a condition restricting the occupation of bedrooms on the site to a maximum of 48 would mean that there would be no additional traffic generated. In the earlier appeal, the appellant stated there were 37 hotel bedrooms on the site, but the appellant took into account a number of rooms that had been used as bedrooms in the past.

Since the previous appeal decision, the adjoining land has been granted planning permission with a new segregated shared cycle path. The Local Highway Authority requested a small area of the overflow car park of the Hotel in order to extend this path the full length of Gipsy Hill Lane. The Local Highway Authority offered to fund these works. However, the appellant declined and stuck to the condition argument.

The Inspector supported the LPA's and LHA's position stating the requested improvements are necessary to enable the proposal to proceed. Therefore, the appeal was dismissed. The Inspector also supported the LPA's position that the habitats contribution must be paid at pre-commencement, not pre-occupation stage.

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

##### **4.1 18/1201/FUL – 48 St Davids Hill, Exeter**

Proposed single storey dwelling, extension and refurbishment of existing ground floor flat and renovation to existing rear elevation.

##### **4.2 18/1202/LBC - 48 St Davids Hill, Exeter**

Proposed single storey dwelling, extension and refurbishment of existing ground floor flat and renovation to existing rear elevation of this listed building.

##### **4.3 19/0240/ADV – Unit 1, Stone Lane Retail Park, Marsh Barton Road**

Consent to display 2no. Internally illuminated fascia signs and 4No. Externally illuminated fascia signs to front elevation. 1No. internally illuminated fascia sign to side and 2No. non illuminated fascia signs to rear elevation.

##### **4.4 19/0621/FUL – Land Adjacent To 2A Newcourt Road, Topsham, Exeter**

Proposed single storey dwelling.

#### **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