

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 28 October 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 **18/1201/FUL & 18/1202/LBC - 48 St David's Hill, Exeter.** The application was for the construction of a single storey dwelling, removal of external soil pipes from listed building, extend and refurbish existing ground floor flat and landscape the garden

The main Issue was whether the proposal would harm the established character of this residential area; specifically, whether it would preserve or enhance the character and appearance of the St David's Conservation Area and preserve the listed building and its setting.

The inspector raised no objection to the extension to the existing ground floor flat nor to the removal of the existing soil pipes and their tidying up by their realignment both internally and externally. He agreed that these elements of the scheme are uncontentious and quite acceptable.

Regarding the proposed new detached dwelling the Inspector agreed that the architect has tried his best to design a building that would minimise impact on the setting of the Listed Building and character and appearance of the conservation area. The proposed new dwelling would be single storey and only its pyramidal roof would be visible from Little Silver; its height and mass are therefore incomparable with the dominant impact of the house to the rear of No 42. However, the subdivision of No 42's original plot is also harmful to parent listed building and the conservation area. The appeal proposal would replicate such unacceptable harm at the appeal property.

In addition, the Inspector commented that there is an attractive copper-leaved tree adjacent to the northern wall of the appeal property next to the existing rear shed. The proposed new dwelling would be built very close to this tree such that it would probably be necessary to remove it, or else the foundations of the new building would be likely to sever its lateral roots and lead to its demise. Even if this was not the case the tree would significantly block light to the proposed dwelling's kitchen window and so there would be pressure to fell it. He considered this tree is important to the character and appearance of the conservation area, because of its size and colour and because it screens oblique views between the windows of 1 Little Silver and the garden of No 48.

The Inspector concluded that the proposal to erect the new detached dwelling would fail to preserve the setting of the principal Listed Building and the settings of the adjoining listed buildings at Nos 46 and 50. It would also fail to preserve the character and appearance of the conservation area, because the long rear garden plots of No 48 and its neighbours are an important characteristic. The above harm would be 'less than substantial' in terms of its impact on the listed buildings and the character and appearance of the conservation area as a whole. But the public benefit of providing one additional dwelling would not, in his judgement, overcome such harm, even if the Council cannot demonstrate a five year housing land supply.

The appeal for the new dwelling was dismissed and the extension and alterations to the principal listed building allowed.

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

##### **4.1 19/0072/FUL – 17 Mount Pleasant Road, Exeter.**

Single storey extension to the rear of the existing property.

##### **4.2 19/0689/FUL - 21 Riverside Road, Topsham, Exeter.**

Proposed new garage and conversion of existing garage into living accommodation.

#### **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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