

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 6 January 2020  
**Report of:** Service Lead City Development  
**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 **19/0072/FUL - 17 Mount Pleasant Road, Exeter.** The application was for a single-storey extension to the rear of the existing property.

The main issues were the effect of the proposal on i) living conditions of occupiers of the host property with respect to the provision of outdoor amenity space; and ii) the character and appearance of the host property and area.

Whilst the Inspector acknowledged that gardens in the area are generally of a moderate size, this was said to not justify allowing a proposal which would reduce garden space significantly below the recommended 55sqm. It was also stated that given the position of the rear extension, that the remaining outdoor space would be neither good quality nor useable and would be of diminished practical use to occupiers.

However, the inspector disagreed that the proposal would harm the appearance of the original dwelling or townscape as the scale and design would not represent a visually intrusive or unacceptably discordant addition.

In summary, whilst the Inspector did not consider that the proposal would cause harm to the character and appearance of the area, the inadequate remaining garden space was of overriding concern which ultimately resulted in the appeal being dismissed.

- 3.2 **19/0247/FUL – 15 Cowper Avenue, Exeter.** The application was for a single-storey side extension.

The main planning issue in this case was considered by the inspector to be the impact upon the character and appearance of the host dwelling house and wider area.

The Inspector recognised that the open-ended and spacious corner plots in this housing estate form a clearly distinctive and attractive spatial quality to the area. The regimented uniform layout is fundamental to the housing estate design, which has been well maintained with very few and relatively insignificant exceptions affecting the openness of the corner plots – this openness in the urban grain contributes positively to local distinctiveness in the area according to inspector's analysis.

It was concluded that the proposed extension would significantly harm the character and appearance of the host dwelling and the wider townscape/ housing estate. Specifically the inspector in this case noted that the extension with the ridge height set just below the eaves level of the main house lacks subservience - an adverse impact compounded by the inappropriate scale and massing of the extension. The small windows proposed above the ridge but below the main house eaves are considered to represent an incongruous addition further degrading the relationship between the main house and the proposed extension.

The inspector challenged the use of policy DG (b) in this case and noted that whilst it's useful to explore and explain the impact upon accommodation quality in the officer report, it was not relevant or useful as a reason for refusal in this instance. The appeal was dismissed.

**3.3 19/0621/FUL – Land Adjacent to 2A Newcourt Road, Topsham, Exeter.** The application was for a proposed single-storey dwelling.

The main issues were the effect of the proposal on the character and appearance of the area including the effect on the nearby Topsham Conservation Area; and whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to amenity space. The site, although not within the Topsham Conservation Area, is located on the boundary.

The Inspector stated that the contemporary design with its hard, straight lines and flat-roof would be at odds with the traditional buildings which surround it in close proximity, which is emphasised by the modern palette of materials. As a result the proposal would appear as an incongruous addition in the street scene, which would fail to respect, and therefore cause harm to the character and appearance of the area. Furthermore the Inspector noted that the dwelling at 2A Newcourt Road is prominent on the approach along the road from the junction with Denver Road and provides a focal point which is typical of the traditional built form of the area. The proposal would introduce a new visually jarring focal point, eroding the character and appearance of the area. The proposal was deemed to fail to respond sympathetically to its context and as such, would harm the character and appearance of the area and to the conservation area, with no identifiable public benefit to outweigh the harm.

The proposed dwelling would have areas of private amenity space, including a grassed area and a small patio to the front and side of the property, which the Inspector considered to be fairly narrow and close to the road. Located next the road, those using the garden would not have an acceptable level of privacy and would feel exposed and overlooked, this would be further impacted by the first floor windows of 2A Newcourt Road. The Inspector noted that although planting or alternative boundary treatments could be used to achieve some level of privacy, due to the small size of the garden any boundary treatment to achieve an acceptable level would have detrimental impacts to the light levels and outlook of the proposed dwelling. The position of the gardens also means that they would be substantially shaded for much of the day and would be of poor quality.

The Inspector summarised that aspects of the proposal would be in conformity with the local and national planning policy, however, none of the factors would be sufficient to outweigh the harm as outlined above. The appeal was dismissed.

**3.4 18/1643/FUL - Land to the Rear of 327 Topsham Road, Exeter.** The application was for construction of a two-storey dwelling, garage and associated external works.

The application was refused on the grounds of the impact on the character and appearance of the surrounding area and privacy of occupants. These reasons, therefore, constituted the main issues of the appeal.

The Inspectorate agreed that proposal would be at odds with the prevailing character of development within Bishop Westall Road and that its position would not respect the established building line and the buildings height, emphasised by a steeply pitched roof, would be out of keeping with the surrounding townscape. As a result, the proposal was considered to have an oppressive, overbearing impact on the street-scene. The Inspectorate held the same view for the proposed garage and stated that this would be clearly visible from the road and side of the new dwelling, exacerbating the over-dominant visual impact of the proposed development.

In terms of design, the Inspectorate shared the Councils view that the detailed design of the new building would relate poorly to the street stating that the street elevation fenestration would not be demonstrative of a main building entrance, as would normally be expected on a street facing elevation, and there would be large areas of blank wall space, lacking in fenestration and visual interest. The proposed window design and materials were also considered unacceptable and it was considered that the proposed amount of unrelieved rendered wall space on the building, together with the proposed standing seam metal roof, comprised a palette of materials that would

not relate well to the prevailing character of the road where traditional brick and tiles are the predominant defining combination of materials.

For privacy, the Inspector disagreed there would be an unacceptable impact considering the 15m distance between habitable room windows. The inspector stated that degree of overlooking from first-floor windows into neighbouring rear gardens is an expected occurrence within urban residential environments and therefore would not constitute a reason for refusal. The appeal was dismissed.

- 3.5 **19/0689/FUL - 21 Riverside Road, Topsham, Exeter.** The application was for a proposed new garage and conversion of existing garage into living accommodation.

The Planning Inspectorate has allowed an appeal for a garage and front extension. The main issues of the proposed development included the character and appearance of the area, the outlook of occupants and the relationship with the neighbouring dwelling.

The proposed garage would be built at an angle, protruding forward of the principle elevation of the property. The garage is required as a result of converting the existing, built in garage, into additional bedrooms and living space.

In allowing the appeal, the Inspector determined the proposal would be a suitable size in terms of scale and massing and stated that whilst the Design Guidance advises side extensions to be set back, it does not preclude other forms of extensions with its main aim being to ensure subservience.

Another reason for refusal was the proposed garages relationship with the original dwelling and how the height compromised a downstairs window effecting outlook of occupants. The inspector disagreed, considering that the 'fairly small and not excessively high' garage related well to the original house and would not harmfully effect outlook as to justify refusing permission.

In summary, the Inspectorate felt the proposal would not have an adverse impact on the character and appearance of the property or area and would not harm amenity.

- 3.6 **19/0823/FUL - 8 Barnardo Road, Exeter.** The application was for a two-storey side extension with small side infill.

The planning inspectorate has dismissed an appeal for a first floor side extension at 8 Barnardo Road.

In determining the appeal, the main issues were (i) the effect of the development on the character and appearance of no.8 and the surrounding area and (ii) the resulting living conditions for occupants of neighbouring no.6.

With regard to character and appearance, the Inspector acknowledged the 1960s properties were not 'renowned for their quality design or quality of build' but stated that the symmetry and order of the dwellings was inherently visually pleasing. As the properties on this side of Barnardo Road followed an obvious rhythm with stepped down, adjoined garages, to extend on top of the garage was considered to result in an additional bulk which would not reflect the typology of the dwellings. Whilst highlighting no.8 and no.6 were somewhat asymmetrical due to changes to the properties, this did not outweigh their reflective qualities and agreed with Officer view that the proposal would adversely affect the character and appearance of the property and area.

In discussing the living conditions of no. 6 as a result of the proposal, the Inspector noted that the nearest windows were obscured glazed and to bathrooms. However, the 4.5m distance that would remain as a result of the development was considered atypically close which would have a significant perceptive effect and result in an unacceptably close inter-relationship between the side elevations. The bulk of the proposal was also considered to likely reduce the level of natural light entering the first floor windows of no.6 given the orientation of the properties. The inspector again agreed with Officer view that the proposal would have an unacceptable impact to neighbouring amenity as it would result in an adverse sense of enclosure and reduction in natural light.

Whilst the isolated design and personal benefits of the proposal were given some credit, this was not considered to off-set or outweigh the poor relationship between the proposal, the streetscene and the adjoining neighbour.

- 3.7 **18/1644/FUL - 42-44 Buller Road, Exeter.** The application was for a change of use and conversion of chapel (Class D1) to a single dwellinghouse (Class C3) and ground floor rear extension.

The planning inspectorate have allowed an appeal to convert 42-44 Buller Road from an evangelical chapel to a residential unit.

In refusing permission, the Council's main concern was that insufficient evidence had been provided to demonstrate that the loss of a community facility was justified. Whilst the Council acknowledged that the building no longer had a future as a place of worship for this specific denomination, and that the church had initially attempted (unsuccessfully) to sell the property to another church group, it was concerned that a marketing exercise had been carried out for only 6 weeks and that the property was then sold to a developer for residential conversion when there was interest in using the building for alternative community uses. In response, the Church argued that, as a charity, it was duty-bound to sell for the highest price. The Inspector accepted this point.

The marketing exercise resulted in 28 tenders being submitted. In the interests of confidentiality, these tenders were not reported in detail. However, it was stated by the agent that the majority sought a change of use to residential, thereby indicating that there was a minority interested in other uses. It emerged through the consultation process that one of those parties was Exeter Drama Company. The Inspector argued that the lack of information on the tenders reduced the weight he could attach to the matter. Furthermore, he gave limited weight to the interest expressed by Exeter Drama Company because he had received contradictory information that suggested both that it had now found alternative accommodation and that it may not have done so. In addition, he noted that he had not been presented with clear and detailed evidence that any community group would be in a position to buy the property, even if it was available.

In broad terms, the Inspector concluded that the property had been marketed appropriately by professional agents. He could not be certain that there was no community use or group that would be able to afford and make use of the building but he was satisfied that "the evidence resulting from the marketing exercise lends moderate support to the proposition that there was not another community group or user available and able to purchase the building for a community use" (Paragraph 9). Whilst he accepted it was not definitive, he also noted that the information before him suggested there was an adequate supply of other community facilities within 1 kilometre of the application site. He added that he had not been presented with substantial evidence that the facility is presently valued by local residents and observed that the building had, in any case, been empty for some time.

In summary, he did not agree with the Council's position and consequently has granted planning permission.

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

##### **4.1 19/0560/FUL, Beech Hill House, Walnut Gardens, Exeter.**

Development to build residential accommodation for students (166 bedspaces) with associated accommodation, infrastructure works and landscaping following demolition of existing buildings (*Revised Scheme*).

##### **4.2 19/0809/FUL – 28 Argyll Road, Exeter.**

Proposed first-floor extension to front and new dormer to the rear of property, new extension over existing playroom and associated works.

##### **4.3 19/1037/FUL – 85 Newcourt Road, Topsham, Exeter.**

Ground and roof extensions to an existing bungalow.

#### **Andy Robbins**

Service Lead City Development

#### **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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