

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 7 September 2020
Report of: Director
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

- 3.1 [19/1169/FUL](#) - **6 Elliott Close**. This was an application for a single storey front extension and extension to bay window.

A planning appeal has been dismissed by the Inspectorate. The Council did not object to the extension of the bay window and the Inspector saw no reason to disagree with this view. The main issue was the effect of the front extension on the character and appearance of the dwelling and the wider area.

The appeal property is a two-storey end of terrace house which is situated in a planned estate containing a mix of house types. Most houses have a modest projecting front door canopy or porch and/or a first-floor bay window feature. Substantive forward projections from the main front walls are not a characteristic of these house types. The houses are also set back from the highway which, in combination with the front elevation treatment, ensures the street has a degree of spaciousness. This spaciousness is an important positive characteristic of the locality.

Owing largely to its corner plot position, the appeal property has more space to the side and front than most houses in the street. However, the position also means the property is particularly prominent when viewed from the two respective cul-de-sac spurs. The proposed front extension would be approximately 2.8m deep and 4m wide with a mono pitch lean to roof. In contrast to the typical modest porch projections, it would appear as a very bulky and incongruous addition that would detract from the simple character of the appeal property and the terrace. Whilst the space available at the front of the property would accommodate the extension, the prominent corner plot position would nevertheless emphasise its appearance as an incongruous feature and it would harmfully erode the important spaciousness of the locality.

The benefits of the proposed additional and reconfigured living accommodation were acknowledged but were not considered to outweigh the identified harm.

- 3.2 [19/1184/FUL](#) - **11 Sheridan Road**. This was an application for a first-floor side extension.

An Inspector has dismissed an appeal for a first floor side extension at 11 Sheridan Road, a two storey semi-detached property occupying a corner plot within a planned estate.

The main issues are the effect of the proposed extension on:

- i) the character and appearance of the host property and the wider area, and
- ii) the living conditions of the occupiers of No 13 Sheridan Road with particular regard to their outlook.

With regards the character and appearance of the host property and the wider area the Inspector considered that owing to its excessive width and lack of set-back, the proposed extension would

appear unduly dominant and disproportionate to the form and character of the original house. The diagonal set back element, which would be particularly prominent due to its high-level and the exposed corner plot position, would also appear awkward and incongruous. The general failure to harmonise with the original house would be detrimental to the visual qualities of the planned street scene. Although it was appreciated the proposed extension was designed with a ridge height lower than the original dwelling, thereby providing a degree of subservience, this alone is insufficient to render the scheme acceptable.

The Inspector concluded that the extension would conflict with Objective 9 and Policy DG1 of the Council's 2005 adopted Local Plan First Review (LP). These seek to ensure that development proposals promote local distinctiveness and contribute to the visual richness and amenity of the townscape

As a result of the height and massing, the extension was considered by the Inspector to have an oppressive and overbearing appearance when viewed from the neighbouring property. Although the Inspector appreciated that the extension was designed so that no window would overlook No 13, the resulting bleakness of the rear elevation arising from this design response adds to its oppressive appearance. Consequently, owing to its inappropriate design, in particular its position, height and massing, it is concluded the proposed extension would have an unacceptably harmful effect on the living conditions of the occupiers of No 13 with particular regard to their outlook and therefore conflicted with Policy.

3.3 [19/1271/FUL](#) - Charlotte Mews, Pavilion Place. This was an application for two additional floors on northern and eastern part of building to form 4 new residential units over existing units 5 and 6.

The inspectorate has been dismissed an appeal to add two new floors, to create 4 additional flats, to the rear two storey wing of Charlotte Mews, a large modern red brick building on the corner of the junction between Magdalen Street and Pavilion Place.

It is located within the Southernhay and the Friars Conservation Area. The building has three storeys at the front, dropping to two storeys at the rear. It was originally designed as an office block although some of the office space has since been converted to residential. The surrounding townscape is largely historic. On Magdalen Street, the Grade II* listed Wynards complex, a group of almshouses and a chapel, is to the west of the site – along with two other Grade II listed buildings. There is another terrace of Grade II listed buildings to the east. Pavilion Place consists of various rows of small artisans' cottages, which have been locally listed by the Council. A Friends Meeting House (Quakers) is located to the rear, unlisted but nonetheless of some historic interest and value.

The Council refused planning permission for two main reasons. One related to the impact of the proposal on the setting of neighbouring listed buildings and the character and appearance of the conservation area. The other related to the standards of residential amenity on offer.

In respect of the heritage matters, the Inspector agreed with the Council. It was noted that the current building drops down at the rear in order to respect the more modest height of buildings in the vicinity. It was considered that the proposal would result in a building with a height and massing that would dominate the surrounding townscape and harm both the setting of nearby listed buildings and the character and appearance of the wider conservation area. A mansard roof feature would also introduce an incongruous and unsympathetic feature to the locality. In respect of the heritage tests set out in the National Planning Policy Framework, the Inspector concluded that the public benefits of the scheme, short term employment opportunities during construction and 4 additional residential units, did not outweigh the identified harm to designated heritage assets.

With regard to living conditions, the Inspector did not accept all of the conclusions of the Council. It was considered that nearby Bull Meadow Park could compensate for the lack of any amenity space and that a design solution could be found to address bicycle and bin storage facilities. Nonetheless, the Inspector agreed that some of the flats fell short of the Government's national internal space standards and that that would result in poor living conditions for future occupiers.

- 3.4 [20/0018/FUL](#) - **1 Venny Gardens, Venny Bridge**. This was an application for roof alterations for loft conversion and Velux windows; conversion of garage to hallway and new front door arrangement.

A planning appeal has been dismissed by the Planning Inspectorate.

The Council did not object to the garage conversion and the Inspector saw no reason to disagree with this view. The main issue was the effect of the proposed roof alterations on the character and appearance of the pair of dwellings (no. 1 & 2 Venny Gardens) and the street scene.

Owing to its design, the proposal was considered to have an unacceptably harmful effect on the character and appearance of the dwellings and the street scene, which conflicts with Objective 9 and Policy CP17 of the Core Strategy (2012) and Policy DG1 of the Local Plan First Review (2005). These seeks to ensure development proposals promote local character and distinctiveness, with part (g) of Policy DG1 specifically seeking to ensure that the volume and shape of proposals relates well to adjoining buildings.

The two pairs of semi-detached properties that form Venny Gardens are built to a common design, and have a visually pleasing degree of uniformity. The Inspector considered that the alteration to the roof shape, would create additional high-level bulk to the property and would result in the property having an awkward top heavy appearance which would harmfully erode the symmetry with the neighbouring property.

Whilst the improved living conditions were acknowledged it was not considered to outweigh the resulting harm.

- 3.5 [20/0045/FUL](#) - **20 Victoria Street**. This was an application for ground and first floor extensions.

An inspector has dismissed an appeal for ground and first floor extensions at 20 Victoria Street, a two storey mid-terraced property with further habitable space within the roof space.

The main issues of this application are the effect of the proposed development on the character and appearance of the host property and the wider area; and the living conditions of occupiers 19 and 21 Victoria Street with particular regard to natural light and outlook.

An earlier scheme for the property was refused planning permission and dismissed on appeal (Our ref. 18/0555/FUL and Appeal ref. APP/Y1110/d/18/3214646). In this appeal the inspector considered the ground floor extension acceptable but the first floor extension was considered an unsympathetic addition to the character of the house as a result of its scale and materials. This application reduced the extent of the extension from 6 metres to 4 metres and the cladding was replaced with brick walls.

The Inspector considered owing to its inappropriate design, in particular its scale and massing, the proposed development would have an unacceptably harmful impact on the character and appearance of the wider area. First floor extensions are notably absent from the neighbouring properties which formed the site's immediate setting and a first floor addition here was considered overdevelopment and visually incongruous. Therefore conflicting with a number of the Council's policies which amongst other things seek to ensure development promotes the local character and distinctiveness.

In the earlier scheme the previous Inspector found again the ground floor extension to be acceptable with regards natural light and outlook for neighbours but considered the first floor extension to cause significant harm to the living conditions of neighbouring occupiers.

The inspector concluded for this proposed development that the first floor extension that as a result of the set back of the windows, the orientation of the site and lack of impinging development, the extension would not degrade the level of natural light to warrant refusal. However, with regards outlook the relationship between the first floor extension and the neighbouring properties would be visually intrusive and cause significant harm to the outlook, particularly to the relevant window of no

21. This unacceptable impact on outlook is contrary to Policy DG4 which seeks to ensure a quality of amenity which allows residents to feel at ease within their homes.

In conclusion, the inspector considered the proposed development to have an unacceptable impact on the character of the property and the wider area and resulted in an unacceptably harmful impact on the outlook of the neighbouring properties.

4. New Appeals

4.1 [18/0580/FUL](#) - Land and Buildings at Pocombe Grange House, Pocombe Bridge.

Extension and alterations to existing accommodation to create 1no. additional dwelling unit and construction of 2no. new build dwelling houses, landscaping and associated works

4.2 [19/0952/OUT](#) - Land off Tithebarn Lane.

Proposed residential development of 10 homes with new vehicular access to Tithebarn Lane.

4.3 [19/1676/FUL](#) - St Andrews Yard, Willeys Avenue.

Demolition of existing single storey business premises and construction of 9no residential apartments along with on-site parking and associated landscaping.

4.4 [20/0465/FUL](#) - 13C St James Road.

Change of use of building from office (B1 use) to residential (C3 use).

Bindu Arjoon

Director

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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