

REPORT TO: **PLANNING COMMITTEE**
Date of Meeting: **19th January, 2026**
Report of: **City Development Strategic Lead**
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 (27/11/2025).

2. Recommendation:

2.1 Members are asked to note the report.

3. Appeal Decisions

3.01 [25/0394/LBC](#) **7 White Street, Topsham.** *Proposed single storey rear extension incorporating outbuilding*

Planning Inspectorate Decision Issued: 10th December, 2025.

Appeal Allowed with Conditions

An appeal for a proposed single storey rear extension incorporating outbuilding, ref 25/0394/LBC at 7 White Street in Topsham, has been allowed. The associated/linked 25/0393/FUL was submitted too late to be appealed.

In summary: The appeal was allowed as the proposals are considered to be of a different design to the listed dwelling, which with the existing extension in between, would be a visually distinct and separate element. Although the form of the outbuilding would be changed, the Inspector considers the outbuilding to have a limited contribution to the significance of the designated asset. The Inspector concludes that the proposed works would not be of a size, scale or design that would harm the significance of the listed building or undermine its special architectural or historic interest. In respect of the impact upon the conservation area, the Inspector concluded that due to its location on the site, set back from the Street, the proposals would not negatively impact the character of the street or the wider conservation area.

Context and history

There have been 6 applications submitted for No.7 in the last year (3 x LBC + 3 x FUL) with the later FUL/LBC approved by the Council prior to the appeal decision. What had been recently approved and was the recommendation of our pre-planning advice was that no development should come past the side elevation building line of the listed dwelling.

Site and Proposal

The proposal was for planning permission and listed building consent for an extension which would link the existing rear extension to the existing detached garden utility. The extension would measure approximately 3.5m x 3.23m and 3m high including roof window. The extension would have a painted render exterior with grey powder coated aluminium windows and bi-fold doors. The roof would be grey/black single ply membrane.

Main Material issues considered by the inspector

- Impact upon the significance of the listed building, its special architectural and historic interest.

- Impact upon the character and appearance of the area of the conservation area.

Policy Compliance:

- The proposals were considered contrary to section 12 and 16 of the NPPF (para 212 and 215), Policy CP17 and Objective 8 of Exeter City Council's Core Strategy, Policies C1, C2, DG1 and DG4, of the Exeter Local Plan, and the Council's Supplementary Planning Document 'Householders Guide: Design of Extensions and Alterations (2024)

Key Policy Outcomes

- The Inspector concluded that the proposals were in accordance with Local Plan policies C1, C2 and DG1.

Planning Inspectorate Decision

Reference: APP/Y1110/Y/25/3371714

3.02 **25/0837/PD 2 West Street, St Davids.** *Application for determination as to whether prior approval will be required for the change of use from commercial (Class E) to a mixed use comprised of commercial space and 2no. self-contained flats.*

Planning Inspectorate Decision Issued: 15th December, 2025.

Appeal Allowed with Conditions for 6000694 & 6000696

Appeal Dismissed for 6000695

Costs Dismissed

3 joined appeals and applications for costs against the Council:

A)	Listed Building Consent	25/0120/LBC	Appeal allowed with conditions
B)	Prior Approval	25/0125/PD	Appeal dismissed
C)	Prior Approval	25/0837/PD	Appeal allowed with conditions
D)	3 costs applications by the appellant		Refused

In summary: The applications related to proposals to change the use of the upper floors of the building into 2 flats. This has been allowed subject to conditions

Context and history

Appeal A (listed building consent)

This related to refusal on the grounds of:

- loss of significant historical elements of the building's fabric;
- harm to the character, appearance, historic interest and layout of the building; and
- lack of information concerning the services for the proposed bathroom, wall insulation and the refurbishment of windows.

Appeal B (prior approval)

This related to refusal on the grounds of the proposed accommodation not meeting permitted development requirements for internal living space.

Appeal C (prior approval)

This related to refusal on the grounds of:

- The absence of details of proposals for noise insulation
- Unacceptable bin storage in the stairway lobby and against the shopfront window in terms of the impacts upon residential amenity and the impact upon the appearance of the listed building and in turn the character and appearance of the conservation area.

Site and Proposal - The applications and appeals concerned the three-storey Grade II listed building occupied by Endicott's Army Surplus within the Central Conservation Area, where the building occupies a corner plot within a group of listed buildings dating from the 16th century to the 19th century.

In combination, the applications sought a change of use of the upper floors to provide 2 flats, with listed building consent being sought for the physical changes to the building (Appeal A), and the change of use being proposed as 'permitted development' (appeals 2 & 3).

Main Material issues considered by the inspector

- 1) Whether the public benefits of the proposals would outweigh any harm to the significance of the listed building or conservation area.
- 2) Whether the proposed Flat 2 would be within the scope of permitted development rights.
- 3) The adequacy of living conditions in the proposed flats, considering noise disturbance from neighbouring commercial premises and the proposed bin/waste storage arrangements.
- 4) Impact upon the integrity of the Exe Estuary Special Protection Area and mitigation of impacts.

Listed building impact

The Inspector agreed with the Council that the works to the building would result in some harm to the heritage significance of the building and the conservation area. He was satisfied however that this harm would be outweighed by the main benefits of:

- a more efficient use of an existing city centre building,
- addition to the choice and supply of homes available within Exeter, which would,
- help fund much needed repair/maintenance of the building, and
- support local services and businesses.

Permitted development rights

Appeal B hinged on compliance with the Nationally Described Space Standard as required for the permitted development right to apply. Particularly, the appellant argued that a bedroom that met the standard for a double bedroom, would only be used as a single bedroom, such that Flat 2 as a whole only needed to meet the standard for single person occupancy. The Inspector agreed with the Council however that due to the size of the bedroom the flat would need to meet the standard for 2-person occupancy. The proposal did not meet this standard. The appeal was dismissed

Living conditions of the proposed flats

The Inspector agreed with the Council that impacts noise from adjacent commercial premises was an important consideration. He was satisfied however that subject to submission of an acoustic assessment and details and implementation of any mitigation measures, a satisfactory noise environment could be achieved. A planning condition was imposed accordingly on Appeal C.

Again the Inspector agreed with the Council that the arrangements for storage and management of domestic waste was an important consideration. The Council's concern related to bins being proposed to be stored in a tightly enclosed and perhaps unventilated stairway lobby. As a change to the application drawing, the appellant advised during the appeal that the bin storage would be partitioned from the lobby. The Inspector was satisfied that this would be a suitable arrangement that could be secured by the condition then imposed on Appeal C.

Impact on the Exe Estuary Special Protection Area

This was not a matter of disagreement in the appeal. The Inspector's concerns were resolved prior to determination of the appeals by payment by the appellant of funding for mitigation measures in accordance with the South East Devon European Site Mitigation Strategy.

Costs applications

Costs can be awarded against the Council if it has behaved unreasonably and thereby caused the appellant unnecessary expense in the appeal process. The Inspector was satisfied that the Council had not acted unreasonably in respect of any of the appeals. The applications for costs were all thus refused.

Learning for Future Decisions

Appeal A

There is not a lot to be learned from Appeal A which involved a matter of judgment of the balance between heritage harm and the benefits of the proposed works in facilitating additional housing and efficient and viable use of the building etc.

Appeal B

The key issue in this appeal as accepted by the Inspector was not to accept an applicant's claim that a double bedroom would only be used as a single bedroom, or that single person occupancy could be secured by planning condition so as to ensure compliance with permitted development rights.

Appeal C

The key issue in this appeal was the unsatisfactory bin storage arrangements as proposed in the application. An alternative arrangement was suggested by the appellant during the appeal and the Inspector was satisfied with the revised proposal and that it could be secured by conditions. The Council's 'secondary' concern related to lack of assessment and unknown potential extent of works needed to secure an appropriate residential noise environment. The Inspector was again satisfied that this could be secured by condition. The decision highlights the need to consider carefully whether objections can be overcome by the use of planning conditions.

Conditions Imposed

Appeal A

1. The works hereby permitted shall commence before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved plans: 1:1,250 scale site location plan (ref. 001 Rev B); 1:500 scale site layout (ref. 005 Rev B); 1:50 scale basement level (ref. 110 Rev B); 1:50 scale ground floor (ref. 111 Rev C); 1:100 scale first floor (ref. 112 Rev C); 1:50 scale second floor (ref. 113 Rev C); 1:100 scale elevations and sections (ref. 300 Rev B); 1:100 scale general arrangement floor plans (ref. 100 Rev D).
3. The flats shall not be brought into use until all of the windows have been repaired and made available for use by occupiers, in accordance with a schedule of repairs (including, where necessary, drawings at a scale of 1:10) that has previously been submitted to and approved in writing by the Local Planning Authority.
4. Prior to the insertion of the extract vents and soil pipes into the external walls and roof of the building, details of any redundant paraphernalia, such as security bell boxes and wiring, on the external walls that are to be removed, shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed in accordance with the approved details.

5. Notwithstanding the details on the approved plans, neither of the flats shall be occupied until bin/recycling facilities have been provided in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.

Appeal C

1. Prior to the occupation of the flats hereby approved, an assessment of ambient noise levels shall be submitted to, and approved in writing by, the Local Planning Authority. If, having approved the assessment, the LPA concludes that noise mitigation measures are required, the developer/site owner shall then submit a scheme for protecting occupiers of the proposed flats from noise disturbance. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority. All works that form part of the approved scheme shall be undertaken before either flat is occupied. The developer/site owner shall aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings and WHO Guidelines for Community Noise.

2. Notwithstanding the details on the approved plans, neither of the flats shall be occupied until bin/recycling facilities have been provided in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.

Planning Inspectorate Decision

Decision for appeals 6000694, 6000695 & 6000696 - Comment on a planning appeal - GOV.UK

3.03 **24/1483/TPO** **2 Ely Close. T1 - Scots Pine Tree TPO number 399 - full removal of T1 due to severe highway and private property damage due to root structure lifting curb, tarmac, block paving and retaining wall. Replacement tree is not opposed but would ideally be a different species.**

Planning Inspectorate Decision Issued: 17th December, 2025.
Appeal Dismissed

3.04 **24/0714/FUL** **Greencroft, Streatham Rise, Duryard & St David's. Detached garage/office building, including solar panels on roof, in rear garden**

Planning Inspectorate Decision Issued: 5th September, 2025.

Appeal Dismissed

Summary: An appeal has been dismissed by the Planning Inspectorate for the construction of a detached garage in the rear garden of Greencroft in Streatham Rise.

Site and Proposal: The proposal relates to a detached two storey dwelling in large grounds dating from the inter-war period of the twentieth century. The boundary of the site is landscaped with trees, shrubs and other planting. There is a detached garage to the south of the house.

Streatham Rise is on a steep hill and therefore the ground levels at Greencroft rise sharply, particularly at the front of the property south to north. The rear garden rises more gently. The wider street is characterised by detached dwellings in large, landscaped plots. Many of the properties also date back to the inter-war period, although there are several properties that have been built more recently (including some replacement dwellings).

This householder application sought planning permission for a detached two storey garage/office building, including solar panels on the pitched roof, in the rear garden. The garage would be 7.4 metres wide, 9.2 metres deep and 6.3 metres high. The building would have two significant roof slopes, which would accommodate the solar panels. It would be accessed off a spur road that runs to the south of Greencroft and provides access to several properties including Cotley, Lyndhurst and the rear garden of adjacent Beech Tree House.

Context and History: It should be noted that planning permission was granted on 22 October 2021 to demolish Greencroft, and its garage, and replace it with two new detached dwellings (Ref. 20/1104/FUL). This summary will refer to the approved dwelling that would replace Greencroft as Plot 1, and the additional new dwelling as Plot 2.

The planning consent contained a standard condition that required that the development commenced within 3 years of the decision – i.e. by 21 October 2024. The Council has not been requested to make a formal determination on whether the development has commenced in compliance with that condition. However, in the material that was submitted to discharge conditions on that consent (under Ref. 24/0937/DIS), and in the Design and Access Statement to this application, the applicant indicated an intention to build Plot 2 in the first instance and construct Plot 1 at a later date.

This planning history was a material consideration in determining this application, not least because the application linked the implementation of the planning permission to this proposal. The Design and Access Statement sets out several reasons why the new garage was required - including the generation of renewable power and the re-use of stormwater, which would be used by both dwellings on site (Greencroft and Plot 2, and later Plots 1 and 2). The garage would also provide Greencroft/Plot 1 with an office, a workshop and additional parking with electric charging points.

Policy Context: In considering the application, the Council assessed in detail various matters including the sustainability of the proposal, its proposed use and its impact on neighbouring residential amenities and highway safety. Ultimately, however, the Council's decision to refuse permission was based on matters relating to layout, design and landscaping.

The key policy considerations, therefore, related to:-

- Paragraph 135 of the National Planning Policy Framework, Objective 9 and Policy CP17 of the Local Development Framework Core Strategy and Saved Policy DG1 of the Exeter Local Plan, which state that developments should add to the overall quality of the area, be visually attractive and sympathetic to local character, maintain a strong sense of place, seek to preserve local distinctiveness and character, ensure designs integrate into existing landscaping and propose buildings that have a height and massing that relate well to adjoining buildings and the surrounding townscape.
- Section 8 of the Council's Supplementary Planning Document 'Householder's Guide: Design of Extensions and Alterations', which emphasises that garage buildings should be subordinate in scale to dwellings and confined to a single storey.

Main Material issues considered by the Inspector: The Council had concluded that by virtue of its position, massing, height, size and design, the proposed two storey outbuilding would present an unsympathetic and unduly prominent form of development that would be harmful to the character, layout, appearance and verdant aspect of this part of Streatham Rise. In dismissing the appeal, the Planning Inspector agreed with the Council's conclusions and stated:-

"The southerly side of the proposed outbuilding would be sited close to the cul-de-sac. Its tall gable end, with large expanse of brickwork and two garage doors would be set back from the

road behind a shallow hardstanding whose splay would be wider than the proposed building. A section of the existing mature hedge and two trees would be removed to facilitate the construction of the building and hardstanding. Also, parts of its large pitched roof and solar panels would be visible above the retained boundary hedge. Its visually hard appearance would be exacerbated by the position of the building alongside the access to the existing outbuilding at Beech Tree House.

Overall, due to its siting immediately adjacent to the cul-de-sac, size, design and the associated removal of mature planting, the proposed outbuilding and associated access would be prominent. It would have a visually hard and would have urbanising impact on the cul-de-sac. It would undermine and unacceptably detract from the spacious, verdant and sylvan character and appearance of the cul-de-sac.”

The application placed significant focus on the environmental credentials of the scheme. Whilst the Council acknowledged that these were positive and ambitious aspects to the scheme, it noted that the proposal went beyond any energy efficiency standards required by planning policy, would generate more energy than was required for up to 2 dwellings and that the benefits would be offset by the embodied carbon emissions required to build the new garage. It also considered that the application had not demonstrated that alternative solutions could not significantly improve the environmental performance of the project without the garage.

The Inspector gave significant weight to the benefits associated with water efficiency and renewable and low carbon energy generation - and their contribution to a net zero future. However, the Inspector concluded:-

“I am not convinced that a building in the position or size proposed is the only way to achieve maximum efficiencies for the host and any other local dwellings should the opportunity arise.

Little evidence [has] been submitted regarding the suitability of the host dwelling for retrofitting solar panels and maximising rainwater harvesting. As pointed out in the Council’s delegated report, the orientation of the proposed outbuilding is not ideal for solar panels and some of the panels would be sited close to a mature hedge. Also, the embodied carbon emissions associated with the construction of the proposed outbuilding have not been factored in.

For these reasons I find that the visual harm that would be caused by the proposal would clearly outweigh the personal and energy & water efficiency benefits of the proposal.”

Planning Inspectorate Decision

Reference: APP/Y1110/D/25/3369310

3.5 **25/0147/FUL 65 Parkway, Alphington Two storey extension replacing detached double garage.**

Planning Inspectorate Decision Issued: 12th August, 2025.

Appeal Allowed

Decision

The appeal was **allowed**. Planning permission was granted for the two-storey extension, subject to standard conditions regarding commencement, approved plans, matching materials, and submission/approval of details for bin and cycle stores and surface water disposal.

Summary

- **Character impact:** The Inspector concluded that the demolition of the large, utilitarian garage and its replacement with an extension would represent a visual improvement and that the proposed extension was appropriately designed to reflect the host dwelling.
- **Amenity impact:** Although visible from the neighbouring property (No. 2 Orchard Hill), the extension was not judged to result in an overbearing impact or unacceptable harm.
- **Policy compliance:** No conflict found with Core Strategy Policy CP17 (design quality) or Local Plan Policy DG4 (residential amenity). SPD guidance on extensions was considered, but not decisive.
- **Conditions:** Four conditions were imposed (time limit, approved plans, matching materials, and submission of details for bin/cycle storage and surface water disposal).

Context and Relevant History

Application Ref. 25/0147/FUL refused by Exeter City Council.

Reasons for refusal: loss of architectural symmetry at a key visual junction (the "gateway" to Orchard Hill) and potential overbearing effect on neighbour amenity.

A previous application, ref 24/0114/FUL, for a two storey side extension, was refused.

Site and Proposal

- Semi-detached corner plot property with architectural echoes of Art Deco styling, forming part of a group with similar dwellings at the Parkway/Orchard Hill junction.
- Existing large detached garage located close to dwelling, seen almost as a ground floor extension.
- Proposal: demolish garage; construct side extension on its footprint, with a narrower first floor set-in.

Main Material Issues Considered by the Inspector

1. **Character and appearance**
 - Council argued extension would disrupt symmetry and gateway qualities.
 - Inspector gave weight to garage's existing negative impact, finding proposed replacement an enhancement.
 - Extension considered subservient overall; some loss of symmetry acceptable and inevitable with extensions.
2. **Neighbour amenity**
 - Council referred to possible overbearing effects.
 - Inspector judged proposal modest in scale and sufficiently distant; impact noticeable but not harmful.
 - No neighbour objections received.

Policy Compliance

- Complies with Core Strategy Policy CP17 (design quality, complementing character).
- Complies with Local Plan Policy DG4 (amenity protection).

- SPD guidance on residential extensions applied but not given overriding weight.

Key Policy Outcomes

- Where existing garages/extensions already impact symmetry or character, replacement with higher-quality design can be beneficial and compliant.
- Loss of perfect symmetry not grounds in itself for refusal, provided new design is subservient and sympathetic.
- Potential harm to amenity is insufficient – actual demonstrable harm must be shown.
- SPDs are material considerations, but must be balanced against adopted policies and site context.

Learning for Future Decisions

- Baseline context matters: decision-makers must assess impact against existing situation (e.g., garage intrusion) rather than theoretical "ideal" design form.
- Symmetry arguments should be used cautiously; inspectors may see extensions as acceptable even in architecturally sensitive settings, if designed proportionately.
- Amenity assessments should be precise and evidenced – avoid vague endorsements of "potential" harm.
- Refusal reasons should clearly link to development plan policy wording to withstand appeal scrutiny.

25/0266/FUL 44 Sandford Walk, Newtown & St Leonards. Temporary change of use from dwellinghouse (C3 use) to House in Multiple Occupation for four people (C4 use)

Planning Inspectorate Decision Issued: 22nd September, 2025.

Appeal Dismissed

Decision

Planning appeal relating to a temporary change of use from dwellinghouse (C3 use) to House in Multiple Occupation (HMO) for four people (C4 use) at 44 Sandford Walk, Exeter – Ref 25/0266/FUL

The appeal was **dismissed**.

Summary

The appeal development is contrary to the development plan (Local Plan policies H5b and DG4) and there are no material considerations that outweigh this conflict.

Context and Relevant History

The change of use has already taken place, and the appeal property is currently occupied by four unrelated people.

Site and Proposal

44 Sandford Walk is a mid terrace Victorian brick dwelling located in a residential area of similar properties.

The site is located within the Article 4 area which removes permitted development rights for change of use from a dwelling (C3 use) to a House in Multiple Occupation (C4 use).

Planning permission was sought for a temporary change of use to an HMO, until July 2026 to allow the current occupiers to remain in the property.

Main Material Issues Considered by the Inspector

1. The effect of the development upon the housing mix in the locality and the living conditions of neighbouring occupiers
 - The clustering of HMOs can lead to problems such as overcrowding, noise and disturbance which can have a harmful effect on the occupiers of adjoining residential premises and the character of an area.
 - The appeal development would add to the already high concentration of HMOs in the immediate area. Based on the evidence before the Inspector, they concluded this would lead to harmful effects on the occupiers of adjoining properties due to increased levels of noise at unsocial hours and a greater demand for car parking. There may also be issues in relation to overflowing waste and recycling bins. Given that Sandford Walk is densely developed and it is partly pedestrianised with no private space to accommodate waste bins, these effects would be heightened.
 - While no neighbours objected, the Inspector concluded the lack of objection does not weigh in favour of or against the proposal. Accordingly, the proposal would conflict with Policy DG4(b) of the ELP which seeks to ensure that residents feel at ease within their homes and Policy H5(b).
2. Whether there are any material considerations, including exceptional circumstances, which would outweigh any identified harm.
 - The HMO SPD indicates that in certain exceptional circumstances an exception could be made to the policy.
 - The Inspector considered the circumstances of the application, including the tenants have a valid tenancy until July 2026, and dismissing the appeal could force them to leave early. This may put the appellant at risk of legal action if the tenancy were to be terminated and the current tenants may need to secure alternative accommodation. No substantial evidence was provided to show serious personal hardship for the appellant or the occupiers. The Inspector concluded the situation does not amount to exceptional circumstances strong enough to outweigh conflict with the development plan.
 - Granting temporary permission until July 2026 is not appropriate, as the conditions for temporary consent (trial run or expected change in planning circumstances) do not apply.
 - Dismissing the appeal would interfere with tenants' qualified human rights (peaceful enjoyment of possessions, private/family life). However, this interference is lawful, proportionate, and justified to protect the area's character, neighbours' living conditions, and community balance. Refusing planning permission would not violate tenants' human rights, and no less intrusive method would meet the public interest

Policy Compliance

- Does not comply with Local Plan Policies H5b (Diversity of housing) and DG4b (amenity protection).
- Does not comply with exceptional circumstances outlined in HMO SPD

Key Policy Outcomes

- The appeal decision confirms the importance of the Article 4 direction, Local Plan Policies H5b and DG4b and the HMO SPD (adopted in 2023).

Learning for Future Decisions

- The Planning Practice Guidance states that a temporary permission may be appropriate in circumstances where a trial run is needed in order to assess the effect of the development on an area or where it is expected that the planning circumstances will change in a particular way at the end of that period. Neither of these circumstances apply in this case.
- Interference with tenants rights is proportionate in this case to protect the area's character, neighbours' living conditions, and community balance, and no less intrusive method would meet the public interest.
- The lack of neighbour objection does not weigh in favour of or against the proposal

Planning Inspectorate Decision

Reference: APP/Y1110/W/25/3366435

4. New Appeals

4.1 **24/1483/TPO** **2 Ely Close.** *T1 - Scots Pine Tree TPO number 399 - full removal of T1 due to severe highway and private property damage due to root structure lifting curb, tarmac, block paving and retaining wall. Replacement tree is not opposed but would ideally be a different species.*

Planning Inspectorate Appeal Start Date: 10th September, 2025.

4.2 **25/1258/FUL** **118 Fore Street, Topsham.** *Demolition of existing single-storey rear extension and construction of two-storey rear extension.*

Planning Inspectorate Appeal Start Date: 31st December, 2025

Ian Collinson
Strategic Director for Place, 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

Contact for enquiries: Democratic Services (Committees) - Tel: 01392 265275

