

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 27<sup>th</sup> April, 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 (30/01/2026).

**2. Recommendation:**

2.1 Members are asked to note the report.

**3. Appeal Decisions**

3.01 [25/0120/LBC](#) **2 West Street, St David's.** *Repair of windows, installation/rationalisation of Soil Vent Pipes and extract vents. Replacement staircase to basement level with new stair to upper floors within new lobby, fire doors, noise/fireproofing ceilings and insertion of partition walls at all levels.* **Planning Inspectorate 6000694. Appeal A.**

[25/0125/PD](#) **2 West Street, St David's.** *Application to determine if prior approval is required for a change of use from commercial, business and service (Use Class E), to a mixed use for any purpose within that Class and as to 2 flats (Use Class C3).* **Planning Inspectorate 6000695. Appeal B.**

[25/0837/PD](#) **2 West Street, St David's.** *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 6000696. Appeal C.**

**Planning Inspectorate Decision for 6000694, 6000695 & 6000696 Issued:** 15<sup>th</sup> December, 2025.

**Appeal A and C are allowed with Conditions. Appeal B is dismissed.  
Costs Refused.**

An appeal for the repair of windows, installation/rationalisation of Soil Vent Pipes and extract vents. Replacement staircase to basement level with new stair to upper floors within new lobby, fire doors, noise/fireproofing ceilings and insertion of partition walls at all levels for 2 West Street (25/0120/LBC) has been **allowed**.

**In summary:** The appeal was allowed as any harm was judged as being outweighed by public benefit of providing new flats and repairs to the listed building.

**Context and history**

Number 2 West Street is currently used as an army surplus store on multiple levels. In addition to this application there are two further associated applications 25/0837/PD (Refused but allowed at appeal) and 25/0125/PD (Refused, appeal dismissed). These two applications were dealt with by my colleague Nick Clark.

## Site and Proposal

The application site is a Grade II listed building dating from the eighteenth century. The building is over three floors with a painted stucco finish and black painted banding. The building has a rounded corner, with curved and standard sash windows with glazing bars. There is a modern shop frontage. The roof is not visible from the street scene, being located behind a parapet wall. The application site is within the central conservation area and lies directly adjacent to the Riverside Conservation Area. To the rear is a section of the City Wall.

## Main Material issues considered by the inspector

The main issues are whether the public benefits of the proposals would outweigh any harm to the significance of the listed building at 2 West Street and/or the Conservation Area.

## Policy Compliance for original decision:

In determining these proposals due consideration has been given to Section 16 (Paragraphs 202-221) of the NPPF, Section(s) 66/72 of the 1990 Act, the Exeter Local Plan First Review (in particular policies C1, C2,) and the Exeter Core Strategy DPD (in particular policy DD28). It is considered that the proposed repair of the windows is not fully explained or justified. The installation/rationalisation of Soil Vent Pipes and extract vents. Replacement staircase to basement level with new stair to upper floors within new lobby, fire doors, noise/fireproofing ceilings and insertion of partition walls at all levels would cause harm to the special architectural and historic interest of this Grade II listed dwelling and the setting of the conservation area, by reason that the proposed works would cause harm to the historic fabric of the building, with elements which would interrupt the established and historic layout of the building and would lead to a visual change of the prominent shop frontage, which would be contrary to NPPF paragraphs: 207, 212, 213 & 215, Policy C1 and C2 of the Exeter Local Plan, Policy CP17, Objectives 8 and 9 of Exeter City Council's Core Strategy.

## The Inspector's judgement

- The inspector judged that any harm was outweighed by the public benefit of providing new flats and enabling much needed repairs.

## Costs Appeal judgement

- The application(s) reference costs were refused.

**Matthew Hall, Planning Officer.**

3.02 [25/1258/FUL](#) 118 Fore Street, Topsham. *Demolition of existing single-storey rear extension and construction of two-storey rear extension.*

**Planning Inspectorate Decision for 6002886 Issued: 2<sup>nd</sup> February, 2026**

## Appeal Allowed with Conditions

**In summary:** The appeal was allowed as any harm was judged as being outweighed by public benefit.

## Context and history

Number 118 Fore Street in Heavitree is a locally listed building. Following the submission of 25/1258/FUL the case officer was able to negotiate a change in the exterior material from timber clad to render and obtain the submission of a construction management plan. After the refusal a revised single storey extension application (25/1720/FUL) was submitted which included acceptable restoration works which was approved.

### **Site and Proposal**

118 Fore Street is a two-storey dwelling with a white painted render exterior. Two UPVC windows on each floor with a centrally located door to the front. To the rear was a single storey extension which has been demolished and partially rebuilt. The only garden is located to the rear. There is a side access path which the owner and neighbour claim control of. In the roof is a small attic roof which is accessed via a non-building regulation compliant stair.

The dwelling is locally listed, with a number of listed buildings close by and is located within the Heavitree Conservation Area.

### **Main Material issues considered by the inspector**

- Impact on the character and appearance of the conservation area and locally listed building.
- Impact upon the living conditions of the occupiers of the immediate neighbours with particular regard to privacy and outlook.

### **Policy Compliance:**

- The proposals were judged to be in conflict with policy CP17 of the Exeter Core Strategy and Local Plan policy DG1 as the proposed development did not promote good design and local distinctiveness.
- Judged to have a negative heritage impact upon the Locally Listed Building and Conservation Area contrary to Local Plan policies C1 and C3
- Policy DG4: The proposal were judged not to protect the amenity of the occupiers of the neighbouring dwellings particularly no.116.

### **The Inspector's Judgement**

- The inspector judged that any harm was outweighed by the public benefit of improving the fenestration of the locally listed building.

### **Learning for Future Decisions**

- Repairs and restoration works to a locally listed building outweigh limited harm as it protects the dwelling for the benefit of all.

**Matthew Hall, Planning Officer**

3.03 [25/0894/FUL](#) 36 Armstrong Avenue, Pennsylvania. *Balustrade to existing flat roof on rear extension to create balcony at first floor level*

**Planning Inspectorate Decision for 6001058 Issued: 2<sup>nd</sup> February, 2026**

**Appeal is Dismissed**

**Summary:** An appeal has been dismissed by the Planning Inspectorate following the Council's decision to refuse consent for the above proposal.

**Site and Proposal:** The application relates to a detached two storey dwelling on the Pennsylvania housing estate, built just over 50 years. At the rear is a full-width, flat roof, single storey extension, which was built following a grant of Planning Permission under Ref. 17/0409/FUL in April 2017. This structure replaced an earlier extension that had covered roughly half the width of the house and contained a rooftop balcony. For these reasons, a section of the new extension was also permitted to have a section of balcony (see existing and proposed images below).



This section of balcony looks, and always had looked, directly into the rear garden of the adjacent property, No. 38 Armstrong Avenue.

This application sought planning permission to add balustrading to the entire flat roof to create a much larger first floor balcony.

**Context and History:** This proposal had been previously submitted in August 2017, under Ref. 17/1383/FUL. The application was withdrawn after the Case Officer expressed concerns about the impact of the balcony on the residential amenities of neighbouring occupiers - particularly No. 34 Armstrong Avenue, which was not overly affected by the section of balcony that had already been approved.

Subsequently, the approved balcony had not been constructed in accordance with the approved plans. In particular, the balustrading on the return to the house had not been installed. The applicant argued that as the entire flat roof was now being used as a balcony, there was no reason for the Council to refuse consent for this scheme as the impact on neighbouring properties would be the same regardless of whether there was balustrading. Leaving aside the safety risks, and the fact that the arrangement had no Building Regulations sign-off, it remained the case that the Council had not granted consent for the entire flat roof to be used as a balcony.

**Policy Context:** The Council had no objections to the scheme on design grounds. However, the Council concluded that the proposed balustrade would create a first-floor balcony that would have unacceptable impacts on neighbouring residential amenities by virtue of loss of privacy. The balcony would provide future users direct views into the neighbouring gardens at Nos. 34 and 38 Armstrong Avenue. It acknowledged, however, that in respect of the impact on No. 38, there was a fallback position (the aforementioned 2017 consent) that would also have the same impact on privacy. Therefore, the primary focus of the decision was on the impact on No. 34.

The decision notice cited Paragraph 135 of the National Planning Policy Framework, Objective 9 of the Exeter Local Development Framework Core Strategy and Saved Policy DG4 of the

Exeter Local Plan First Review 1995-201, which collectively seek to achieve developments that create high standards of amenity for existing and future users, raise the quality of urban living through excellence in design and allow residents to feel at ease within their homes and gardens.

**Inspector's Decision:** The Inspector agreed with the Council's position, although focused entirely on the impact of the development on No. 34 Armstrong Avenue. The key section of the decision is as follows:-

*"Even assuming some existing use, for reasons of safety and a degree of protection from the wind, it is very likely that the use of the roof area nearest No 34 Armstrong Avenue would materially increase with the proposed additional balustrading in place. Persons standing near to or against the proposed balustrading would have direct and proximate views down into its garden, including particularly of the main patio and seating amenity area for No 34. This would increase the intrusive loss of privacy that would result from the proposal, as well as the perception of overlooking. Relying on vegetation growth to mitigate this loss of privacy would not be effective for several years and also could not be guaranteed in perpetuity."* (Paragraph 7).

The Inspector identified the level of harm as "significant" and therefore dismissed the appeal.

**Leigh Powell, Planning Officer**

- 3.04 [24/1537/OUT](#) **Anstey's Orchard, Priory.** *Outline application for use of land for residential development for 5 dwellings including access (all matters relating to scale, layout, external appearance and landscaping reserved for future consideration)*

**Planning Inspectorate Decision for 6001722 Issued:** 12<sup>th</sup> February, 2026

**Appeal is Dismissed**

**Summary:** An appeal has been dismissed by the Planning Inspectorate following the Council's decision to refuse consent for the above proposal.

**Site and Proposal:** The proposal relates to a site that comprises a series of buildings in a yard that has a 'workshop' character. In the past, it was occupied by an electrical business, but more recently other companies have occupied the site. The buildings, which are mostly brick and timber, are not in a good state of repair and have not been for many years.

The site has accesses off Rutherford Street and St Loyes Terrace and is surrounded by residential developments. Most of the houses, though not all, are at least 100 years old. St Loyes Terrace, which is built on a steep slope leading up to Ansteys Orchard, is a narrow street comprising a row of terraced dwellings to the north-west and detached bungalows to the south-east. Rutherford Street is wider and flatter and contains a range of semi-detached and terraced properties, as well as a block of flats. It has a lower density than St Loyes Terrace. Two properties adjacent to the application site, known as Nos. 1 and 2 Ansteys Orchard, are new properties that have been built in this century.

This application sought outline consent for residential redevelopment for 5 dwellings – with access off St Loyes Terrace. Other 'Reserved Matters', relating to scale, layout, external appearance and landscaping, were reserved for future consideration.

**Context and History:** Attempts to secure an approval for residential redevelopment of this site began in 2005, were abandoned, and then recommenced in the past few years. Outline

consent (with all matters reserved) for 5 dwellings was refused in September 2023 under Ref. 23/0147/OUT. It was refused because the Council considered that it had not been demonstrated that 5 dwellings on the site would be an appropriate quantum and would not result in harmful impacts on residential amenity.

Both that application and this one included an illustrative layout comprising a terrace of 4 two-storey dwellings, adjacent to St Loyes Terrace, and a single dwelling on the existing access lane leading to Rutherford Street. There were no significant differences between the two illustrative schemes but the Planning Statement submitted in the later application sought to address the concerns raised previously by the Council.

**Policy Context:** The Council did not object to the principle of development – housing schemes on brownfield sites being compliant with the development plan. The central concern related to the quantum of development proposed on the site. The illustrative scheme sought to show that 5 dwellings could be accommodated – but only with some significant compromises relating to the amount of rear garden and the back-to-back distances between proposed and existing dwellings, which fell well short of the minimum standards set out in the Council’s Residential Design Supplementary Planning Document. The quality of outlook from some habitable rooms was also considered poor.

Had the Council approved outline consent, it could not have guaranteed that the illustrative scheme presented here would be submitted as part of the subsequent Reserved Matters application. It would effectively be agreeing that 5 dwellings was an appropriate quantum. In this context, it was considered even more important that the illustrative scheme clearly demonstrated that 5 dwellings was an acceptable amount of development for the site that would comply with planning policy, deliver good living standards for future occupiers and not adversely impact the residential amenities of neighbouring occupiers. The failure of this application to demonstrate this meant outline consent was refused. Paragraph 135 of the National Planning Policy Framework, Objectives 1, 3 and 9 and Policy CP4 of the Exeter Local Development Framework Core Strategy and Saved Policies H2 and DG4 of the Exeter Local Plan First Review 1995-2011 were cited in the decision.

**Inspector’s Decision:** The Inspector essentially agreed with the Council’s case that the illustrative scheme showed significant deficiencies in relation to garden sizes, back-to-back distances and outlook from some habitable rooms. The Appellant had sought to argue that the Council’s minimum standards were not consistent with the existing character of the area (e.g. the older houses had smaller gardens). The Inspector did not agree with this approach and said that:-

*“The size of neighbouring gardens would not justify a design and layout that would not provide satisfactory living conditions in a new development.”* (Paragraph 17)

The Inspector added:-

*“The gardens of the terraced properties would be significantly smaller, gloomier and less private than to be expected by modern standards.”* (Paragraph 14)

In dismissing the appeal, the Inspector came to the following conclusion:-

*“The indicative proposals would not amount to good design and it is difficult to see how the number of houses proposed could be accommodated in a more satisfactory way.”* (Paragraph 14)

**Leigh Powell, Planning Officer**

- 3.05 [25/0763/FUL](#) **6 Matford Lane, Newtown & St Leonard's.** *Demolition of existing bungalow and garage and replacement with detached bungalow (self-build), including rooms in the roof, garage in front garden, outbuilding in rear garden, and associated landscaping.*

**Planning Inspectorate Decision for 6000961 Issued: 13<sup>th</sup> March, 2026**

**Appeal is**

**Leigh Powell, Planning Officer**

3.06

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

- 4.1 [25/1374/FUL](#) **Pavement O/S Poundland, Cowick Street, St Thomas.** *Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, and associated BT Phone Kiosk removals.*

**Planning Inspectorate Appeal 6004093 Start Date & Ref.: 2<sup>nd</sup> February, 2026**

- 4.2 [25/1375/ADV](#) **Pavement O/S Poundland, Cowick Street, St Thomas.** *2no. digital 75" LCD display screens, one on each side of the Street Hub unit.*

**Planning Inspectorate Appeal 6004096 Start Date & Ref.: 2<sup>nd</sup> February, 2026**

- 4.3 [25/1464/ADV](#) **399 Topsham Road, Priory.** *Freestanding digital advertising screen*

**Planning Inspectorate Appeal 6004658 Start Date & Ref.: 10<sup>th</sup> February, 2026**

- 4.4 [25/0432/FUL](#) **24 Southernhay East, St David's.** *Refurbishment and extension to provide a mixed-use building comprising two ground floor commercial units and three flats above including three-storey rear extension and associated cycle and bin store.*

**Planning Inspectorate Appeal 6004694 Start Date & Ref.: 16<sup>th</sup> February, 2026**

- 4.5 [25/0433/LBC](#) **24 Southernhay East, St David's.** *Refurbishment and extension to provide a mixed-use building comprising two ground floor commercial units and three flats above including three-storey rear extension and associated cycle and bin store. Internal alterations to all floors, replacement roof and dormers, and replacement windows on front and side elevations.*

**Planning Inspectorate Appeal 6004702 Start Date & Ref.: 16<sup>th</sup> February, 2026**

- 4.6 [25/1721/FUL](#) **The Cedars, Dryden Road, Priory.** *Installation of containerised plant room.*

**Planning Inspectorate Appeal 6005166 Start Date & Ref.: 18<sup>th</sup> February, 2026**

- 4.7 [25/0387/FUL](#) **Hotel Indigo, 3 Catherine Street, St David's.** *Construction of glass enclosure to provide covered seating at rooftop level.*

**Planning Inspectorate Appeal 6005616 Start Date & Ref.:** 3<sup>rd</sup> March, 2026

- 4.8 [25/1683/LED](#) **10 Longbrook Terrace, Duryard & St James's.** *House in multiple occupation for 6 persons (Use Class C4) (Certificate of lawfulness of existing use).*

**Planning Inspectorate Appeal APP/Y1110/X/26/3378037 Start Date & Ref.:** 13<sup>th</sup> March, 2026

- 4.9 [25/1595/FUL](#) **82 Fore Street, Topsham.** *Retrospective application to remove chimney, increase the size of front dormer and enlargement, change of colour of windows*

**Planning Inspectorate Appeal 6006767 Start Date & Ref.:** 25<sup>th</sup> March, 2026

- 4.10 [25/0383/FUL](#) **Springbank, Beech Avenue, Pennsylvania.** *Construction of single storey two bedroom dwelling with associated works.*

**Planning Inspectorate Appeal 6006617 Start Date & Ref.:** 30<sup>th</sup> March, 2026

- 4.11 [25/1785/FUL](#) **2 Higher Riverdale, Topsham.** *Demolition of car port. Extension to the front of the dwelling to provide a double garage with first floor accommodation and dormer window above. Single storey side extension to the north boundary and construction of a replacement first-floor rear balcony with balustrade.*

**Planning Inspectorate Appeal 6007450 Start Date & Ref.:** 2<sup>nd</sup> April, 2026

4.12

4.13

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