

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 1st June, 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 (16/04/2026).

2. Recommendation:

2.1 Members are asked to note the report.

3. Appeal Decisions

3.01 [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: 13th March, 2026

Appeal 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 detached bungalow on a relatively narrow plot, built in the early 1960s, located in the St Leonards Conservation Area. It has brick walls with render panels, a tiled roof and uPVC windows. There is a detached garage in the front garden at the top of a steeply sloping drive. There is a large garden at the rear. The property is one of a group of 6 bungalows that are located around the corner of the junction between Matford Lane and Wonford Road.

The application sought planning permission to demolish the existing bungalow and replace it with a larger detached bungalow that includes rooms in the roof. It was proposed that the walls be rendered, with brick slips on the front and rear elevations, and the roof standing seam zinc/metal. A garage at the front of the property, and a detached outbuilding containing a home office in the rear garden, were also proposed.

Context and History: In 2020 and 2022, planning permission had been refused for two alternative schemes involving replacement dwellings on this site (Refs. 19/0129/FUL and 21/1028/FUL). The 2022 decision was also dismissed at appeal. In 2023 and 2024, Certificate of Lawfulness applications were submitted to establish whether the house could be significantly altered and extended through national Permitted Development rights. Whilst a Certificate was issued on the 2023 scheme (Ref. 23/1414/LPD), the Council refused to issue a Certificate on the 2024 application (Ref. 24/0933/LPD). This decision is currently at appeal pending a decision.

Council's Decision and Policy Context: The Council's main concern was that the constraints of the site, particularly its narrow width, had not sufficiently informed the design of the development – and this in turn had led to a poor quality, compromised design. The Council's

decision notice stated that by virtue of its position, size, massing, shape, external appearance, poor design and the materials to be used, the proposed replacement dwelling would:-

- i) present an unsympathetic form of development that would be detrimental to the character, appearance and layout of the local townscape; and
- ii) result in harm to the St Leonards Conservation Area, a designated heritage asset, which would not be outweighed by the public benefits of the scheme.

The decision cited Paragraphs 135 and 215 of the National Planning Policy Framework, Objectives 8 and 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy, and Saved Policies C1, DG1 and DG6 of the Exeter Local Plan First Review 1995-2011, which relate to achieving good design and layout and ensuring there are acceptable impacts on designated heritage assets.

Fallback: An alternative scheme that has a realistic prospect of being constructed, for example because it already has planning permission, or would fall within national Permitted Development limits, would create a fallback position that is a material consideration in assessing an application (as confirmed in the judgment *Mansell v Tonbridge and Malling Borough Council & others [2017] EWCA Civ 1314*).

The Applicant argued that the site benefited from a fallback (a scheme that fell within Permitted Development limits and involved significant extension and alteration of the existing dwelling) and stated that the proposal should be granted consent because it was a significant improvement on this fallback scheme. The Council disagreed that the fallback scheme constituted Permitted Development and therefore gave it no weight. It accepted, however, that the fallback was similar to the scheme that had been submitted under Certificate of Lawfulness Application Ref. 24/0933/LED – but the Council had concluded that this also did not constitute Permitted Development and no appeal decision has so far been made that would alter that position.

Inspector's Decision: The Inspector agreed with the Council that a dwelling of this size and massing was not appropriate on such a constrained, narrow site and that this, in turn, contributed towards a poor design:-

“The visual size of the principal elevation to Matford Lane would be marginally larger than that of the existing dwelling. However, the overall mass of development would be significantly greater than the existing, due to the significant increase in the depth of the proposed property. The rear of the proposal would project several metres beyond the line of the rear elevations of adjacent properties.” (Paragraph 12)

The Inspector concluded that the proposed dwelling would “introduce a discordant element within this particular grouping of properties”, that would be harmful to the street scene and the wider conservation area.

The Inspector gave limited weight to the fallback scheme, largely because there were significant differences between it and the appeal proposal. The Inspector stated:-

“There are elements, such as the porches to the principal elevation, that do not replicate the type of accommodation being proposed in the appeal proposal, which to some degree, limits the direct relevance of such elements to my deliberations.” (Paragraph 26)

“Even if buildings were constructed to the full limit of any applicable permitted development rights, any built form would, by its nature, remain ancillary or incidental in form to the existing dwelling, and the height and massing of any rear extensions would be limited. Consequently, when considered in the context of the effects of the appeal

scheme, I find the suggested fallback position to carry limited weight in the determination of the appeal.” (Paragraph 28)

Costs Decision: The Appellant had also applied for an award of costs because it was claimed that the Council had acted unreasonably and therefore forced the Appellant to incur unnecessary and wasted expenses. It was asserted that the Council had ignored its own guidelines and provided incorrect advice at pre-application stage, ignored PPG and Framework guidance in relation to a fallback position, ignored case law brought to its attention, raised an issue that was invalid, and had not applied consistency in making its planning decision. The Inspector found no evidence to support any of these claims and therefore concluded that an award of costs was not warranted.

Leigh Powell, Planning Officer

3.02 [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 Decision for 6006767 Issued: 14th May, 2026

Appeal Dismissed

In summary: The appeal was dismissed due to an unacceptable level of harm to the character and appearance of No.82, the Topsham Conservation Area, as well as the setting of the Grade II listed dwellings (No.79 & 80).

Context and history

Number 82 Fore Street in Topsham is unusual in the immediate area as it is one of the few buildings which is neither locally nor nationally listed. The previous application for No.82, 24/0712/FUL had granted permission for a replacement roof, the raising of the rear pitched roof, replacement of all windows and access door and repair of the chimney, which included white windows and a minor increase in front dormer size as it was deemed necessary to preserve the character and appearance of the area.

Site and Proposal

82 Fore Street is a two-storey dwelling with a painted render exterior, which had originally various designs and materials used for its windows, with a small front facing dormer of a size and design that mirrored that found elsewhere in the area. The retrospective application included dark grey windows which were judged to be out of character with the street scene which is dominated by white windows. In addition, the front dormer was significantly enlarged to a point where it overly dominated the roof slope and was not of a size seen elsewhere on the street.

The dwelling is not listed, but there are a number of locally and nationally listed buildings close by and the site is located within the Topsham Conservation Area.

Main Material issues considered by the inspector.

- The main issue was the effects of the appeal proposal on the character and appearance of No. 82, the wider area, and heritage assets, namely upon the Topsham Conservation Area (the CA) and the setting of nearby listed buildings.

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 and Nationally Listed Building and on the Topsham Conservation Area contrary to Local Plan policies C1, C2 and C3

The Inspector's judgement

- The appeal proposal has a detrimental effect on the character and appearance of No.82 and of the wider area, it fails to preserve or enhance the character and appearance of the CA and is harmful to the setting of the Grade II listed building of Nos. 79 and 80. 28. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case. 29. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

Matthew Hall, Planning Officer

4. New Appeals

- 4.1 [25/0853/FUL](#) Land Adjacent 24A Hope Road, Hope Road, Exeter, EX2 5HS. *Two detached dwellings, associated landscaping, access and off-street parking.*

Planning Inspectorate Appeal 6008982 Start Date: 6th May 2026

- 4.2 [25/0854/LBC](#) Land Adjacent 24A Hope Road, Hope Road, Exeter, EX2 5HS. *Partial demolition of boundary wall fronting Hope Road to create 2 vehicular accesses*

Planning Inspectorate Appeal 6008983 Start Date: 6th May 2026

- 4.3 [25/1426/PDCD](#) Units 18 – 19, St Thomas Centre, St Thomas. *Change of use to convert the first floorspace (Class E) to create four self-contained residential unit (Class C).*

Planning Inspectorate Appeal 6009879 Start Date: 19th May 2026

- 4.4 [26/0178/LED](#) 68 Longbrook Street, Duryard & St James's. *House in Multiple Occupation for six residents (C4 Use Class) (Certificate of Lawfulness of Existing Use)*

Planning Inspectorate Appeal 6008978 Start Date: 20th May 2026

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