

EXETER CITY COUNCIL

PLANNING COMMITTEE

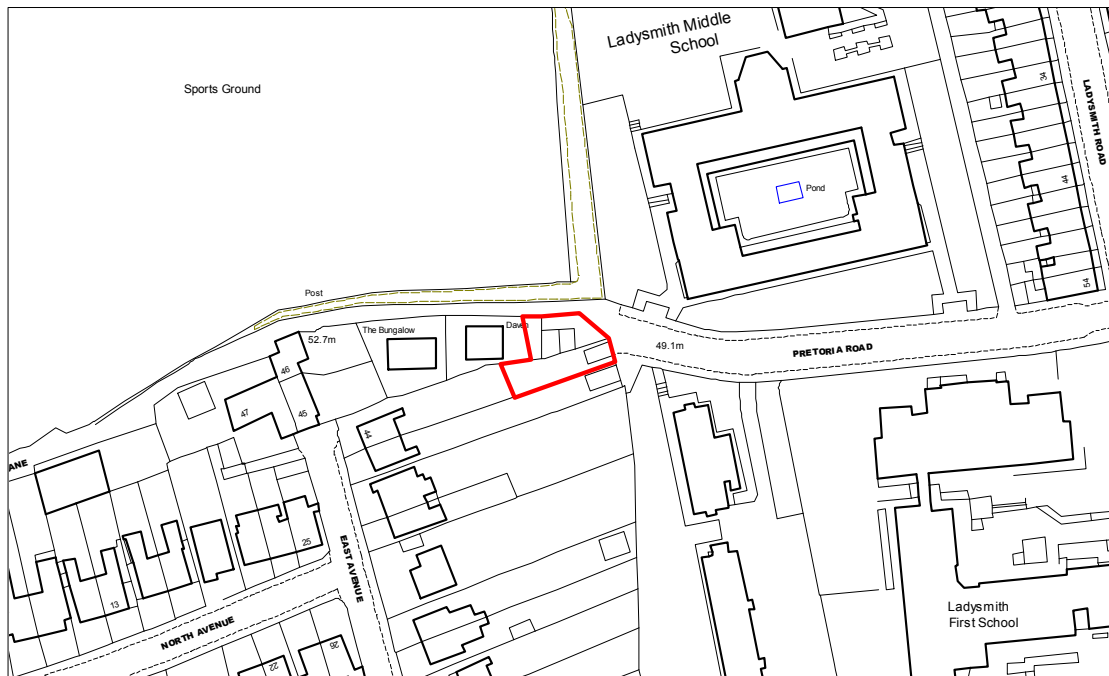
10th December 2007

APPEALS

DECISIONS RECEIVED

SUMMARY: **8 appeal decisions have been received since the last report; 5 were dismissed; 1 was allowed and 2 were allowed with conditions.**

Location: 44 East Avenue, Exeter, EX1 2DX



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Reference No: 07/0045/03

Proposal: Redevelopment to provide detached dwelling, 2 garages linked by garden room parking and associated works.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: ALLOWED WITH CONDITIONS

Grounds:

The main issues were considered to be

- (i) the effect of the proposed development on the character and appearance of the area;
- (ii) the effect of the proposed development on the living conditions of neighbouring occupants and on future occupants of the development; and
- (iii) highway safety.

Character and appearance

The Inspector noted that the appeal site was at the rear of 44 East Avenue and two sets of garages, comprising parking for 3 cars and facing on to Pretoria Street. He considered that the proposed development would replace an area, which in his opinion currently detracts visually from the quality of Pretoria Street. The two-storey dwelling would close off public views into rear gardens and would, he felt be in keeping with the nearby Victorian terrace, and compliment the school buildings.

The Inspector therefore considered that the proposed development would provide an enhanced focus to the end of Pretoria Road and would not cause harm to the character and surrounding area.

Living conditions

The Inspector observed that the closest distance between a first floor window of the proposed development and that of Daven Cottage would be about 9.5 metres and this would be a bathroom window, which would have obscure glass. He thought that the proposed dwelling sited at an oblique angle to Daven Cottage would not be overbearing within its urban context.

The close proximity to local schools would not in his opinion impair the living conditions of future occupants as noise and general disturbance from the arrival and departure of pupils would be limited to short periods at the beginning and end of the school day.

Highway safety

The Highway Authority had not objected to the proposal but had suggested a condition preventing occupation until existing parking facilities had been replaced.

Addressing specific points raised by the local schools and residents the Inspector noted that vehicular access for 44 East Street and Daven Cottage were already onto Pretoria Road. He felt that replacement garages were unlikely to generate significantly increased levels of traffic and that the location of the garages at the end of a cul-de-sac would make manoeuvring safer.

The Inspector concluded that he would allow the appeal subject to conditions relating to commencement within 3 years; submission of materials; drainage works; new garages and parking facilities to be in place before occupation; landscaping; boundary

treatment and that no windows other than those authorised by this permission to be constructed.

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Location: 28 Manor Road, Exeter, EX4 1EN



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Reference No: 07/0144/03

Proposal: Redevelopment to provide 10 flats, parking, access to highway and associated works.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The Inspector noted that planning permission had already been granted for the erection of the building providing eight flats over two main floors, and the appeal was for the creation of two further flats partially within the roof space at the southern end of the building.

This part of the building would have raised eaves, allowing the formation of a second floor at a level where internally the vertical walls meet the underside of the roof

structure. Within those sloping parts of the ceilings, roof lights and ridge lights would be installed to provide light and ventilation.

The Inspector noted that the internal cill heights would be about 1.7m. He considered that due to the way in which rooflights lay in the roof slope the external cill would be higher and that where ridge lights were provided these would be even higher, therefore future occupiers sitting within the room would see only sky not far reaching views.

He agreed that although rooflights provide a good level of light and ventilation, in this case the outlook would be of poor quality as they would be set so high. In his opinion the outlook would be miserly and unacceptable.

He concluded that satisfactory living conditions would not be provided for the future occupiers, which would conflict with ELP policies.

The Inspector therefore dismissed the appeal.

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Location: Wembury, New North Road, Exeter, EX4 4AG



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Reference No: 07/0139/01

Proposals: Redevelopment to provide 11 self-contained flats, parking, access to highway and associated works (external appearance and landscaping reserved for future consideration).

Application Decision: Committee Refusal

Type of Appeal: Written Representations

Appeal Decision: **DISMISSED**

Grounds:

Wembury is an attractive two-storey early 20th century house standing in mature gardens behind a well-treed hedge bank to the road.

On the south side of the house the rear garden is terraced and drops some 6m in its depth of 24m. There is no footway on this side of the road, apart from just to the north where there is a splayed access road junction between two further houses.

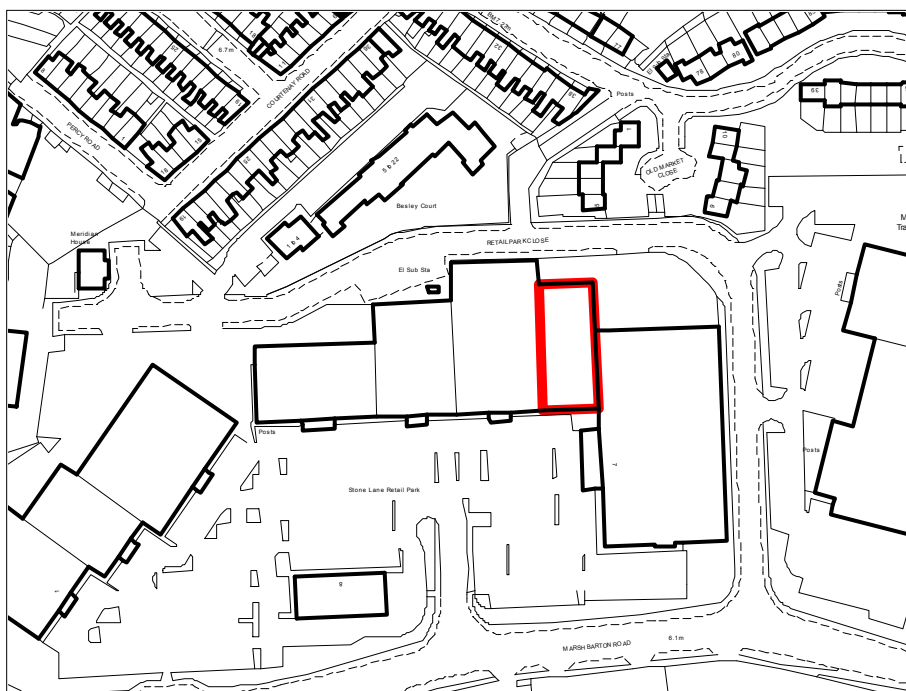
The Inspector noted that the proposed development would be 5m deeper than the existing house and would extend at full height to the southern boundary making it more imposing and overbearing seen from the access road to other nearby properties.

He also considered the proposed removal of the existing hedge bank to the main road would result in the loss of an important feature in the street scene, which he felt made a valuable contribution to the character and appearance of the surrounding area. He accepted that the proposed footway would improve highway safety but considered that any new planting would take time to establish and would be a poor replacement for the existing hedge bank.

The Inspector also felt that setting the new frontage behind a footway would harm the setting of the stone archway entrance to Taddyforde House, a Grade II listed building.

The appeal was dismissed because the proposed development would seriously harm the character and appearance of adjoining buildings and surrounding townscape contrary to DSP and ELP policies.

Location: Unit 6B Stone Lane Retail Park, Marsh Barton Lane, EX2 8LH



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Reference No: 06/1225/18

Proposal: Use of building for sale of footwear (Certificate of Lawfulness of Proposed Use)

Application Decision: Delegated Refusal

Type of Appeal: Public Inquiry

Appeal Decision: ALLOWED

Grounds:

The Inspector noted that the retail park was developed in September 1991 and that Condition 12 of the consent placed a restriction on the goods allowed to be sold precluding amongst other things the sale of clothing.

In March 2002 planning permission was granted for the redevelopment of the former Unit 7 in the form of new retail warehouse floor space and Unit 6B results from this. Condition 4 of the planning consent for Unit 6B, reflecting Condition 12 of the earlier consent, stated that *"The unit hereby approved shall not be used for the sale of food and drink, clothing, fashion accessories, sporting goods, books and stationery except to the extent that the sale of such goods is incidental only to the sale in the unit of a*

range of goods not hereby restricted and provided that the gross floor space used for the sale of such goods does not exceed 10% at any one time of the total floor space of the unit”

The Inspector having considered other similar cases noted that “clothing” and “footwear” are separately itemised in the descriptions of types of development set out in Table 3 to Annex A of PPS6, and that the MapInfo retail expenditure categories identify both “clothing” and “footwear”. He felt that Condition 4 was sufficiently clear and unequivocal; it precludes the selling of clothing but not the selling of footwear.

The Inspector therefore concluded that sale of footwear should be allowed however, the sale of socks, stockings and tights should be regarded as items of clothing and be precluded by Condition 4 and issued a Certificate of Lawful Use to that effect.

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Location: 43 Victoria Road, Topsham, Exeter, EX3 0EU



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Reference No: 07/0611/03

Proposal: Two storey/one storey side and rear extensions

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

The main issues were considered to be:

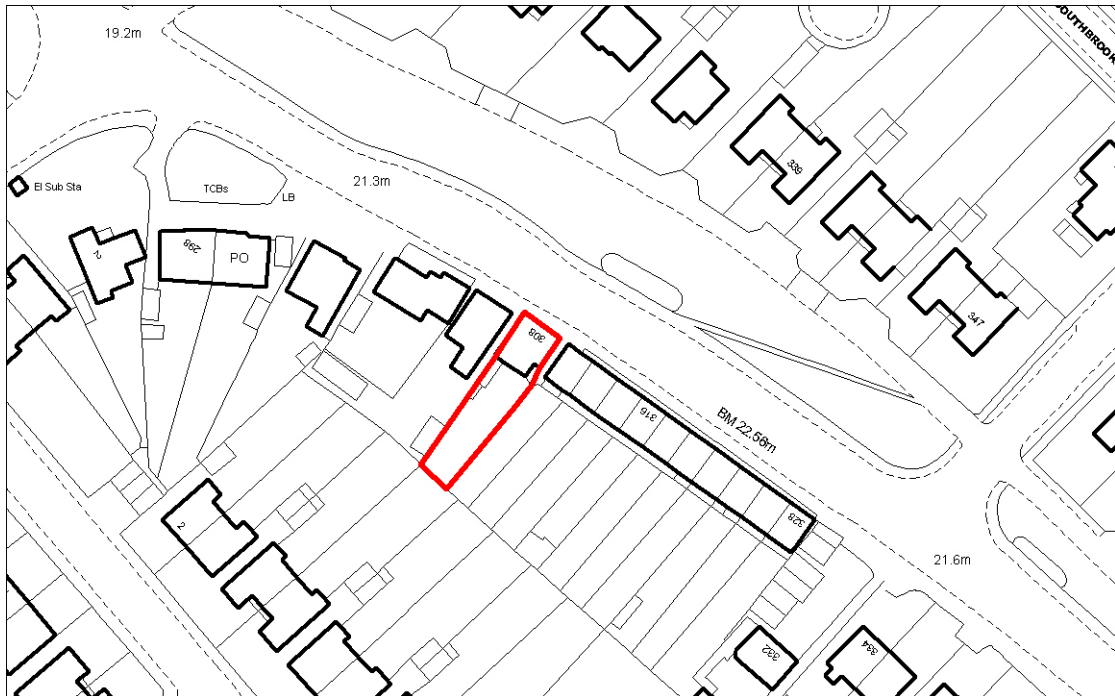
- (i) Whether the proposed development would preserve or enhance the character or appearance of the Topsham Conservation Area.
- (ii) The effect of the proposed development on the living conditions at neighbouring properties in terms of light and outlook.

On the first issue the Inspector noted that the proposed extension would be mainly to the rear of the existing dwelling projecting by almost 5m, with a narrow element around 1m wide extending to the side, which would be set back from the front elevation. He considered that given the narrow gap between buildings, there would only be limited views from the street and in his judgement it would not be prominent in the street scene and the character and appearance of the Conservation Area would be preserved.

Although he considered that the single storey element of the rear proposal would be acceptable, the overall size and bulk of the two storey element would significantly reduce the amount of light to the first floor windows to the rear elevation of 41 Victoria Road. He agreed with the Council that it would have an oppressive and overbearing effect on the outlook from these windows. This would therefore be detrimental to the living conditions for the occupants for the occupants of number 41 and would conflict with ELP policies.

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Location: 308 Topsham Road, Exeter, EX2 6HG



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Reference No: 06/2580/03

Proposal: Ground and first floor rear extensions.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: DISMISSED

Grounds:

No. 308 Topsham Road is a detached property and comprises an unoccupied shop on the ground floor with a flat above. There is a separation of about 1-2 metres between the property and No. 310, which gives access to the rear entrance for the upstairs flat.

The Inspector noted that the existing property presents a symmetrical rear façade with a small flat roofed extension on the side. The new proposal would result in a much longer and wider structure, extending over the centre line and in his opinion introduce an incongruous element to the property. He considered that this would represent a structure of inappropriate scale and design for the host dwelling and would harm the character of the area.

Grounds:

No. 3 Greyfriars Road is in a terrace of 7 properties on a recently built residential estate.

The Inspector noted that the garden was approximately 46 square metres and that the proposed conservatory would be approximately 11 square metres.

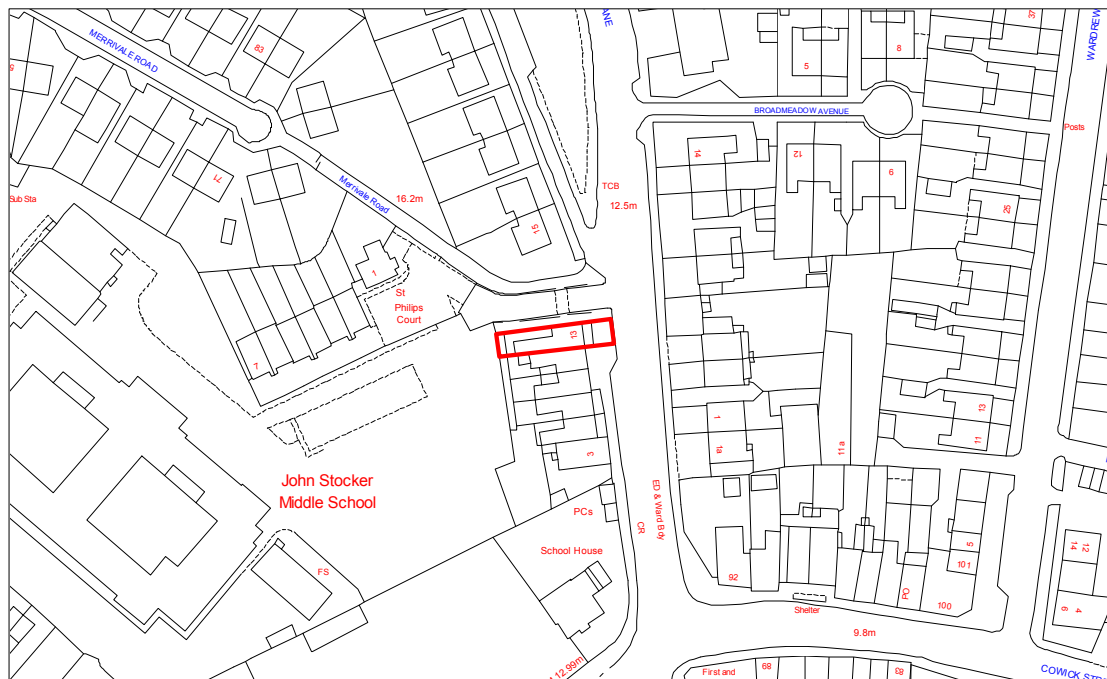
He stated that he was conscious that consideration must be given to the provision of adequate outside amenity space for both current and future occupiers of the property and that the remaining garden space would fall below that promoted in the development plan. However, he thought that the garden was very open and received a considerable amount of natural light.

The Inspector considered that the property was a small dwelling and that the proposed conservatory would represent a transitional area between the inside and outside space and considered that the remaining garden would be appropriate as amenity space for the property.

He therefore allowed the appeal subject to conditions of commencement within three years and the submission of samples.

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Location: 13 Buddle Lane, Exeter, EX4 1JU



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Reference No: 06/1895/03

Proposal: Ground floor extension on north and east elevations.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: **DISMISSED**

Grounds:

The appeal site is the northernmost of a small terrace of retail and commercial properties in Buddle Lane.

The proposal was to expand a restaurant and hot food takeaway by creating a single storey side and rear extension to provide additional seating and a new kitchen, with a single storey front extension to provide a new entrance.

The Inspector considered that although the new blank side wall of the proposed development would be seen from the north of the property, the elevated properties in Buddle Lane and Merrivale Road were not sufficiently close or oriented for the proposed extension to appear unduly prominent when seen from these viewpoints. In his opinion the proposed rear extension would therefore not cause material harm to the character and appearance of the area.

The Inspector considered the proposed front elevation would be more prominent and disruptive to the street scene. It would bring forward the current building line of the terrace of properties in a manner that would appear incongruous when seen from both north and south. It would sit uncomfortably at the corner of No.13, projecting out both to the front and side in a manner which would pay little respect to the current design of either the property or the appearance of neighbouring properties. He therefore considered that this would not be compatible with ELP Policy DG1.

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APPEALS LODGED

Application	Proposal	Start date	Received date
Flat 2, 30 Powderham Crescent, Exeter, EX4 6BZ	Ground floor extension	15/10/2007	15/10/2007
9 Queens Terrace, Exeter, EX4 4HR	Second floor extension on north elevation.	25/10/2007	30/10/2007
9 Queens Terrace, Exeter, EX4 4HR	Second floor extension on north elevation.	25/10/2007	30/10/2007
28 South Street,	Internally illuminated fascia	14/11/2007	19/11/2007

Exeter, EX1 1EB sign on front elevation and
externally illuminated panel
sign.

RICHARD SHORT
HEAD OF PLANNING SERVICES
ECONOMY AND DEVELOPMENT DIRECTORATE

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.

Available for inspection from: -

Planning Services, Civic Centre, Paris Street, Exeter (01392) 265223