

**EXETER CITY COUNCIL**

**PLANNING COMMITTEE**

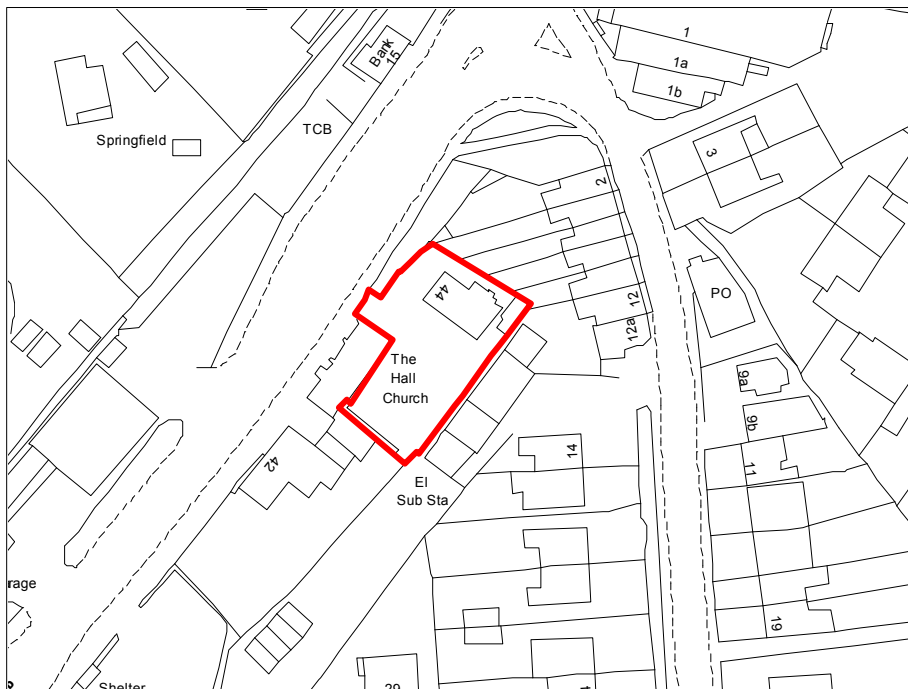
**18<sup>th</sup> February 2008**

**APPEALS**

**DECISIONS RECEIVED**

**SUMMARY:** 15 appeal decisions have been received since the last report; 13 were dismissed, 1 was part allowed and 1 was allowed with conditions.

**Location:** 44 Main Road, Pinhoe, Exeter, EX4 8HS



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**Reference No:** 06/1390/03

**Proposal:** Redevelopment to provide two detached two storey dwellings, parking and associated works.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Informal Hearing

**Appeal Decision:** ALLOWED WITH CONDITIONS

## **Grounds:**

The main issues were considered to be

- The effect of the proposed development on the character and appearance of the surrounding area.
- Whether the proposed development would be environmentally sustainable.
- The effect of the proposed development on the living conditions of future occupants.

### *Character and appearance*

The Inspector noted that existing structures in and around the appeal site do not provide any positive architectural guidance. A brick built depot to the east, and a bland single-storey church hall between the site and Main Road dominates the site. The proposed access would be from Main Road, which would open up views into the development. He considered that the overall effect of the proposed scheme, through creating a small residential area would be a marked improvement in the character and appearance of the area.

Although The Inspector noted the Council's view that in order to avoid visual domination cars should be parked behind the proposed dwelling, he considered that two of the four proposed parking spaces would be largely concealed from the road by a fence and the overall visual impression would be of dwellings fronted by enclosed gardens and landscaping. Therefore in his view, the siting of the two dwellings at the back of the site would not produce a harmful effect on either the street scene or the site itself.

He therefore considered that the proposed development accorded with DSP and ELP policies.

### *Environmental sustainability*

The Inspector noted that the Council considered that the proposed development would not be environmentally sustainable, in that design, layout and orientation of the dwellings would minimise the opportunity for solar gain as the dwellings would have a north-westerly aspect.

The Inspector felt that the argument that the development would be sustainably located in relation to frequent bus services, shops and other facilities within easy walking distance as well as being a brownfield site outweighed the relative lack of solar gain. He therefore considered the proposed development would be environmentally sustainable and would not conflict with either national or local planning policies.

### *Living Conditions*

The Inspector noted that both proposed dwellings would have expansive glazed windows in their north-west elevations and felt that although their orientation would limit direct sunlight their expansive area of glazing would enable light penetration

into the dwellings. He felt that landscaping could soften the outlook towards the adjoining church hall which being only single storey would not appear overbearing. Potential for overshadowing and impact on outlook caused by the adjacent depot would be minimised by siting the dwellings to the east of the site, with their gardens and principal windows facing away from the depot.

Both houses and their gardens would be set back from Main Road and he considered the likely level of traffic manoeuvring within the proposed development to be insufficiently high to harm the living conditions of future occupants.

In summary he considered that lack of light, overshadowing, the impact of traffic from Main Road or the dominance of the motorcar on the site would not harm the living conditions of future occupants.

The Inspector concluded that the appeal should be allowed subject to conditions concerning: the demolition and clearance of the existing property, commencement within three years, submission of materials, drainage, glazing, landscaping and parking.

### ***Costs application***

At the Hearing, the appellants made an application for a full award of costs against the City Council.

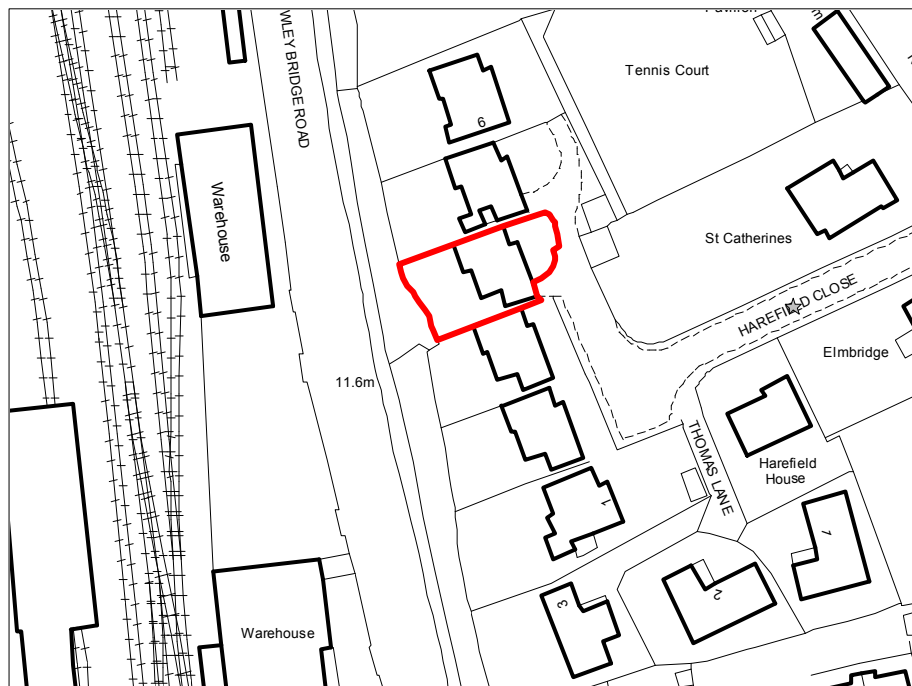
### **DECISION: The application fails and no award of costs is made.**

The appellant sought full costs for four reasons:

- The Council acted unreasonably in their lack of clarity for their reasons of refusal.
- The Council acted unreasonably in not considering the scope for imposing relevant planning conditions to allow the proposed development to proceed.
- The Council acted unreasonably in that they did not explain which material considerations they relied on to set aside the development plan.
- The Council acted unreasonably in that they sought to exercise a degree of control over a number of minor matters, which went beyond the appropriate level necessary to determine the application.

The Inspector considered that the Council acted reasonably in relation to all four grounds raised by the appellants, and that no unnecessary expense to the appellants was caused.

**Location:** 4 Harefield Close, Exeter, EX4 4AQ



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**Reference No:** 07/0691/03

**Proposal:** Erection of a 1.8m high fence, the retention of a pergola, shed, fencing and other structures.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** PART ALLOWED WITH CONDITONS

**Grounds:**

This appeal was considered together with a related appeal against an enforcement notice requiring the removal of an unauthorised pergola, shed, fencing and other structures at the site.

The Inspector noted that the appellants had, over the last 3 years, built timber staging, fencing, a balustrade, a shed and a pergola on the 2 retaining walls which are about half way up the steeply sloping rear garden of the property. He considered these provided useful amenities to the garden and make it secure. However, seen from the road below, these structures look incongruous, overbearing and intrusive, although they do not cause loss of privacy.

In the Inspector's opinion, meeting the requirements of the enforcement notice would seriously impair the usefulness of the rear garden. It would be difficult to provide satisfactory alternative works to make the garden safe for their grandchildren or enable the appellants themselves to make good use of it. On balance, the Inspector considered it appropriate to permit the retention of the unauthorised works subject to landscaping conditions. He therefore quashed the enforcement notice and granted planning permission on the applications deemed to have been made to retain the various structures subject to conditions requiring the submission and approval of a tree planting scheme and replacement planting.

With regard to planning application 07/0691/03 the Inspector considered the proposed 1.8m high fence to be erected on top of the 2m high retaining wall adjacent to Cowley Bridge Road would have an unacceptably forbidding and overbearing effect on road users alongside such a high structure. The Inspector therefore issued a "split" decision on the application, allowing the retention of the timber structures already built subject to the imposition of identical conditions to those relating to the deemed applications, but refusing planning permission for the proposed fence.

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**Location: Top Flat, 20 Pavilion Place, Exeter, EX2 4HR**



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**Reference No: 06/2589/03**

**Proposal: Installation of replacement windows on front and rear elevations.**

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** **DISMISSED**

**Grounds:**

The main issue was the effect of the proposed development on the character and appearance of the host property, the locality and the Conservation Area within which the site is located.

The Inspector noted that the appeal site was characterised predominantly by Victorian terraced dwellings with modern buildings opposite mainly used for commercial use. Viewed from Pavilion Place and Magdalen Street, the appeal property and adjacent properties largely retain their original character and appearance with timber-framed, sliding sash windows on the front elevations, although he observed that some more modern windows had been inserted in a few properties within the cul-de-sac section of Pavilion Place.

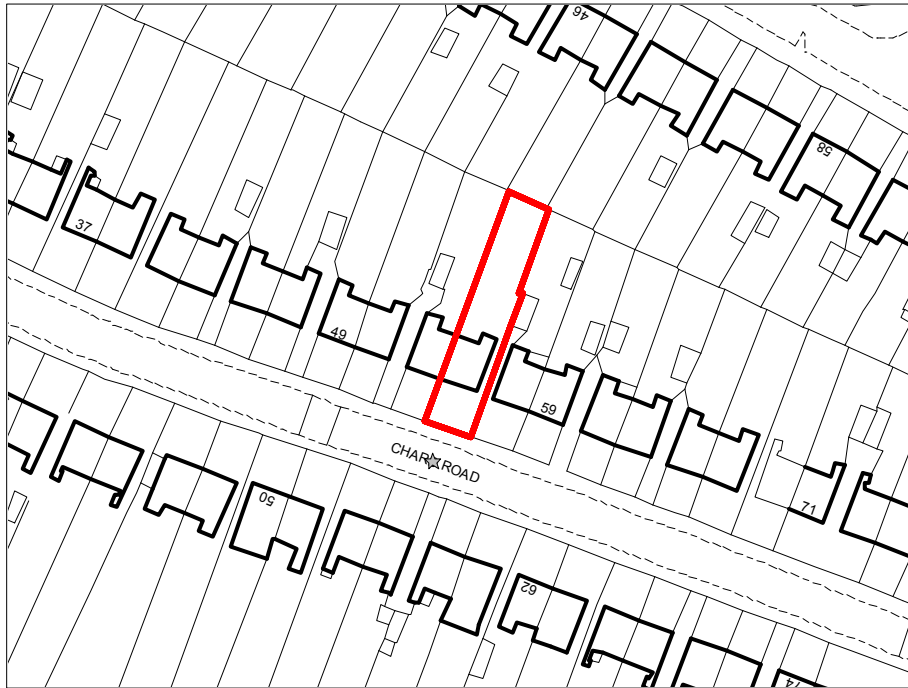
The appeal property and the adjacent buildings are included within the Council's Schedule of Buildings of Local Importance because of architectural and historic interest, prominence in the street scene and distinctive, relatively unaltered design.

The Inspector considered that the replacement of the timber-framed windows at first floor level in the front elevation of the host property would give the building a more modern appearance and would harm its architectural and historic character and would conflict with DSP and ELP policies.

The Inspector acknowledged the appellant's points that the scheme would be sustainable in allowing a reduction in the need for heating and would reduce traffic noise, but felt that they were not sufficient to outweigh his decision in dismissing the appeal.

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**Location:** 55 Chard Road, Exeter, EX1 3AX



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**Reference No:** 06/2625/03

**Proposal:** Alteration and extension to roof including dormer window on rear elevation.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issues were the effect of the development upon the character and appearance of the building and upon the living conditions of neighbours particularly in terms of overlooking.

The appeal property is one half of a pair of semi-detached two storey houses. Both properties are bay fronted under a hipped roof and the pair retain their original symmetry and sense of balance within a street scene formed by the repetition of such pairs of houses.

The Inspector considered that the proposed roof alterations would create a slate hung gable end in place of the existing hip that would unbalance the current rhythm and appearance of the property and its neighbour.

He felt that the large flat roofed dormer inserted into the rear roof slope, by reason of its height, length, bulk and overall scale, would dominate the roof and give the property an unsuitable top-heavy appearance. The arrangement of the windows on the rear elevation would also add to the incongruity of the proposed rear elevation as a whole. The Inspector considered that the proposal would harm the character and appearance of both the property and the area contrary to local plan policies.

On the issue of neighbours' living conditions, the Inspector noted that the linear arrangement of the properties along Chard Road enables occupants to look into neighbours' rear gardens from the first floor windows and that the proposed scheme would only increase this to a limited degree. He therefore felt that the proposal would not harm the living conditions of neighbours.

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**Location: 62/64 High Street, Topsham, Exeter, EX3 0DY**



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**Reference No: 07/0152/03**

**Proposal:** Retention of detached building for use as store in rear garden and two air conditioning units on rear elevation.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issues were considered to be whether the works would preserve or enhance the Topsham Conservation Area and the effect of the works on neighbours, particularly with regard to outlook and disturbance.

The Inspector noted that although the works were within an enclosed yard to the rear of the commercial premises, they were still part of the Conservation Area. In his opinion a 5m x 3m rendered store with felt roof did not preserve, much less enhance, the character or appearance of the locality. Similarly, plastic-looking air-conditioning units, mounted on the rear wall of the main building, were, in the Inspector's view, entirely utilitarian in appearance.

He considered that the works, being to the rear of the building were not on general view to passers by but that they could be clearly seen from abutting properties. The store building is situated at less than half a meter from the boundary with 1 and 2 Coles Court and their windows, which overlook the building and The Inspector considered the scheme seriously affected the outlook and amenity of those properties.

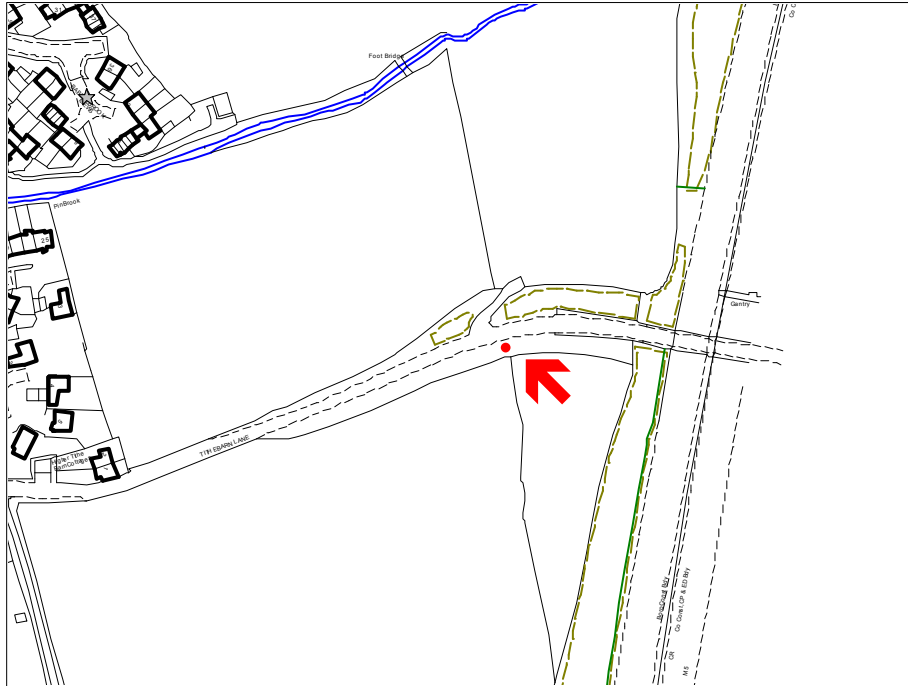
The Inspector noted that the air-conditioning units and goods being carried to and from the store could create a noise nuisance on two counts. He noted a manufacturers information paper, which stated that the air conditioning units might create 55dB of noise. PPG24 Planning and Noise contains guidelines that generally acceptable levels of outdoor noise are 55dB in the day-time and 35dB at night. The Inspector did not consider he had evidence to show that the air conditioning units would exceed these levels of noise but thought it likely that they would.

Similarly he suggested that the use of the store in the rear yard would cause doors to be propped open to facilitate ease of carrying goods. In his view this would allow the noise generated inside the building such as doors slamming, goods being dropped and shouting to escape to the rear.

The Inspector concluded that the works would harm the living conditions of nearby occupiers and be contrary to both DSP and ELP policies.

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**Location: Land at Tithe Barn Lane, Exeter, EX1**



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**Reference No:** 07/0273/21

**Proposal:** Installation of telecommunications monopole (12.5metres high), 3 antennas and associated equipment cabinet.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was considered to be whether the proposed development in terms of siting and design would harm the character and appearance of the area.

The proposed development comprised a 10m high telecommunications mast, designed to have the appearance of a telegraph pole, with shrouded antennas to a combined height of 12.5m, together with a ground based equipment cabinet.

The Inspector observed that the appeal site occupies a distinctive countryside setting and while highway signs and the motorway exist in close proximity to the site, the height of the proposed mast and its antennas would project above the limited existing vegetation.

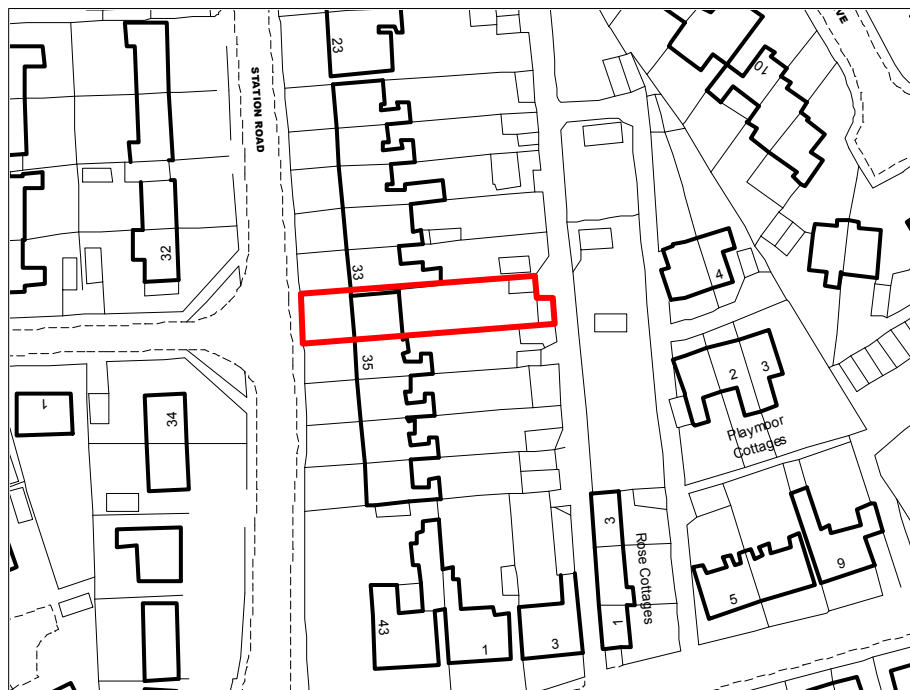
He considered that the higher level of the road in relation to areas of the surrounding land would exacerbate the visibility of the pole in the landscape, which would be silhouetted against the skyline in an area without any similar nearby features. The Inspector felt this would be an intrusive feature that would fail to blend with its rural surroundings and would therefore cause material harm to the character and appearance of the area contrary to national and local planning policies.

The Inspector noted that a lattice telecommunications tower exists a short distance away to the east of the appeal site within the jurisdiction of a different planning authority although the appellant stated that the land owner would not permit sharing of the installation by an additional operator, The Inspector considered that there was insufficient evidence to demonstrate clearly that mast sharing would not be feasible.

In conclusion The Inspector felt that although the proposed development would improve network coverage in the area there was uncertainty as to whether a less visually intrusive solution might be available nearby. He therefore considered that the harmful impact it would have on the character and appearance of he surrounding area would be contrary to both the Devon Structure Plan and ELP policies and dismissed the appeal.

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**Location: 33A Station Road, Pinhoe, Exeter, EX1 3SA**



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**Reference No:**        **07/0307/03**

**Proposal:** Provision of dormer extensions and alterations to first floor windows on front and rear elevations.

**Application Decision:** Delegated Refusal

**Type of Appeal:**     Written Representations

**Appeal Decision:**    **DISMISSED**

**Grounds:**

The main issue was the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

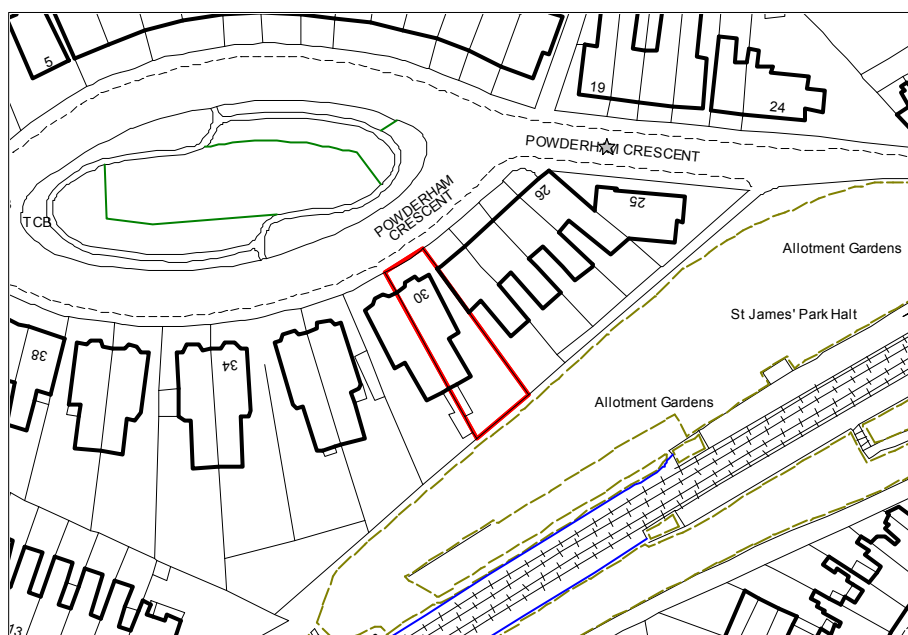
The appeal property is a two storey mid-terraced dwelling, situated between two taller buildings, which include an element of second floor accommodation. The proposal sought to exploit this by means of a substantial roof extension that would project 2m above the existing roofline.

The Inspector considered that although the proposal would not exceed the height of the adjoining buildings, it would have an overpowering effect on the modest form and scale of the existing dwelling, creating a bulky and unwieldy addition that would not relate in form or scale to the host building. He felt that the scheme contrasted sharply with adjoining buildings whereby the various gables and other elements of the roof are integral parts of a balanced and harmonious composition, appropriate in form and scale to the host building.

He acknowledged that the existing building, being a modern infill development, did not fit particularly well into the existing terrace but felt that in its present form was visually subordinate and comparatively unobtrusive. He felt that the proposed scheme would create an unbalanced and top-heavy building that would detract from the well-balanced terrace as a whole.

The Inspector concluded that the proposed development would harm the character and appearance of the existing building and the surrounding area and would be contrary to the ELP.

**Location: Flat 2, 30 Powderham Crescent, Exeter, EX4 6BZ**



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**Reference No: 07/0374/03**

**Proposal:** Ground floor rear extension.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issues were the effects on the character and appearance of the existing building and the Longbrook Conservation Area; and whether the proposal would result in adequate outdoor amenity space.

In the Inspector's view, though the proposed single-storey extension would replace an unattractive outbuilding, that outbuilding is clearly subordinate to the main building whereas the proposed extension would not be. Further, the extension would not reflect the diminution in mass and scale of buildings towards the rear of their sites, which is characteristic of the area and would not preserve or enhance the character or appearance of the Conservation Area.

The Inspector also noted that the pitch of proposed extension's roof would have a lower angle to that of the main dwelling and this would be noticeable where the two joined. The proposed doors and windows would also be out of keeping with the area.

While the Inspector noted that the Longbrook Conservation Area contains a number and variety of extensions, some of which have features that are out of keeping with the original properties, the majority of the extensions are subordinate to their host buildings. He also judged that the extension would be apparent not only from the immediate vicinity, but also from Trafalgar Place and Well Street and would be more visible than other extensions he saw in the vicinity.

On amenity space, the Inspector concluded that although the extension would still allow for the Council's minimum amenity space standards to be met, the arrangement of that space and its relationship to the proposed extension would render it incapable of satisfactory beneficial use by most residents of the building.

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**Location:** 4/4A York Terrace, Exeter, EX4 4PB



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**Reference No:** 07/0616/03

**Proposal:** Change of use to 1 self-contained flat on ground floor and 1 maisonette on first/second floor levels (Class C3) with ground floor rear extension.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was whether sufficient yard space would be provided to ensure adequate living conditions for the future occupants of the building.

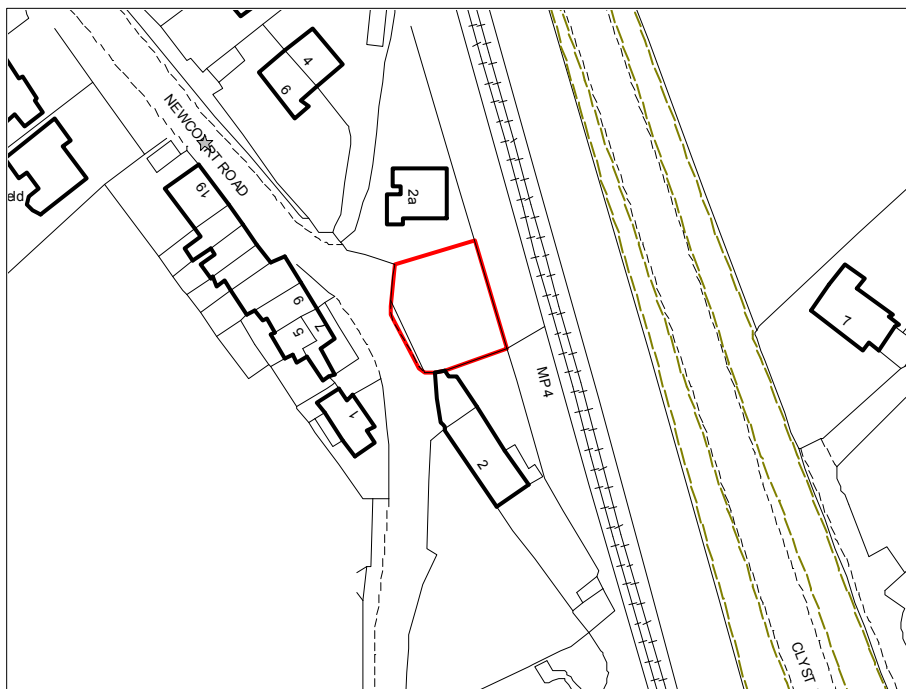
The accommodation within the appeal building, which is part of a small terrace of dwellings of similar design and appearance, is arranged over four floors. The proposed alterations would create a two-bedroom maisonette from the upper two floors, with an extended one-bedroom ground floor flat supplementing a one-bedroom basement flat.

The Inspector noted that all three residential units would share a small open front garden. This would provide the access route to the stairwell leading to the basement flat and to the main entrance for the remainder of the building. He considered that very little communal area would be available for recreation and storage and that the occupants of the maisonette would not have access to any other private garden or outdoor area. The basement flat would have access to a rear stairwell leading to a very small area, which he felt could feasibly be used for limited storage and to a small upper rear yard that would primarily serve the ground floor flat.

The Inspector observed that the upper rear yard would be significantly reduced in size by the proposed single storey extension to the rear of the ground floor. The yard would be accessed by new doors leading from the proposed kitchen and be approximately 4m by 2.1m. Substantial buildings and walls would enclose the area on three sides which he felt in combination with the orientation of the yard would create a gloomy area of limited recreational value.

In conclusion The Inspector felt that the proposed conversion would not provide sufficient garden and yard space to ensure adequate living conditions for future occupants of the proposed dwellings contrary to the objectives of the Devon Structure Plan and the ELP.

**Location: Land adjacent 2A Newcourt Road, Topsham, Exeter, EX3 0BT**



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**Reference No: 07/0735/03**

**Proposal:** Detached dwelling, parking, access to highway and associated works.

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision: DISMISSED**

**Grounds:**

The main issues were considered to be the effect of the proposed development on the character and appearance of the area, and the living conditions of the prospective occupiers of the dwelling.

The appeal site comprises vacant land, which was formerly part of the front garden of 2a Newcourt Road, a detached two-storey house. The site is now separated from this property by a brick wall surmounted by close board fencing.

The proposal was for a two-bedroom bungalow with the existing access by the entrance to 2a, to be replaced by a new one at the southwest corner of the site.

The Inspector considered that the proposed bungalow would not appear unduly cramped on the site, however he considered that it would appear to crowd out the property at 2a Newcourt Road and would look incongruous in being sited so close in front of it. He felt the visual harm would make it contrary to ELP Policy DG1.

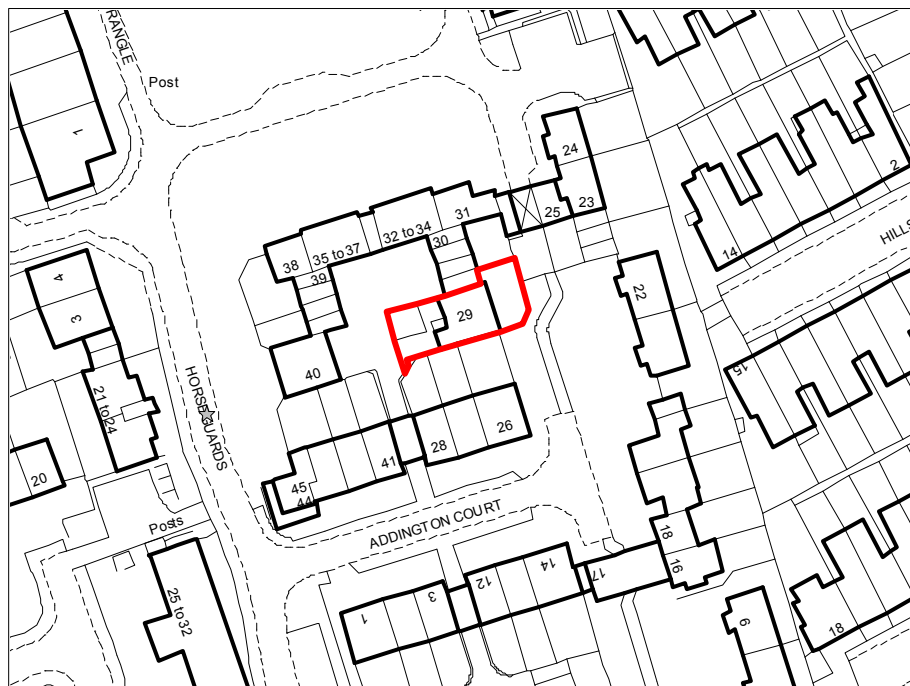
The Inspector considered that noise and disturbance from passing trains would be minimal and acceptable as the branch line is only lightly used with train speeds limited.

He noted that the only part of the curtilage which could be used for private outdoor amenity space would be to the north of the proposed dwelling, since the south and west sides of the garden would be open to public view through the proposed gateway. However, this space would be overlooked by a first-floor bedroom window of no.2a: any screen planting high enough would appear incongruous and would intrude unacceptably into both properties and the space would also be shaded by the proposed dwelling resulting in unacceptable living conditions for the prospective occupiers contrary to the ELP.

In conclusion he felt that the harm that would be caused to the character and appearance of the area by the proposed development and the poor living conditions, which it would offer to prospective occupiers of the dwelling, would be contrary to ELP policies.

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**Location: 29 Addington Court, Horseguards, Exeter, EX4 4UY**



**Reference No:**            **07/0767/03**

**Proposal:** Alterations to garage to provide additional living accommodation  
(RETENTION)

**Application Decision:** Delegated Refusal

**Type of Appeal:**        Written Representations

**Appeal Decision:**     **DISMISSED**

**Grounds:**

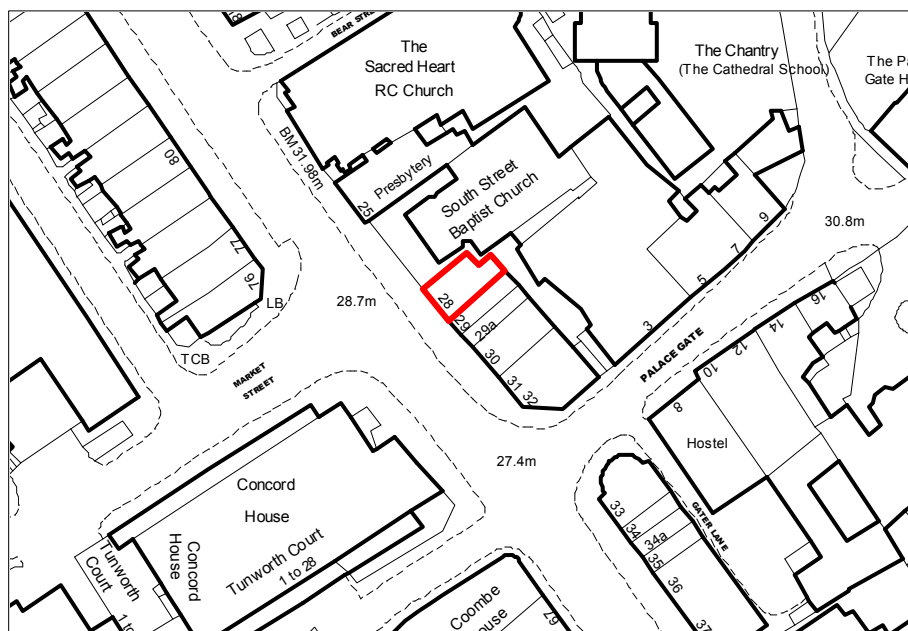
The main issue was the effect on traffic and pedestrian safety and the free flow of traffic and whether Condition 24 attached to the planning permission under which the dwelling was originally built is reasonable and necessary. Condition 24 required that the parking facilities provided should be retained and kept permanently available for the parking of cars.

As built, the appeal property had 2 off-street parking spaces, with one in the garage and one outside it. Conversion work had resulted in the loss of one space. The appellants stated that he parks his vehicle on the remaining space. However, the Inspector noted that the work had removed the possibility of another car being parked off-street at the property and that it would not be unlikely for a household of this size to have more than one car, or receive visitors who would arrive by car.

He noted that on street parking around the estate was subject to parking prohibitions and that the limited numbers of off-street visitor parking spaces were almost entirely occupied even during the daytime. Further, the Inspector pointed out that the highway authority had commented that Horseguards was experiencing obstruction of the highway due to on-street parking and that those problems might be exacerbated if this appeal were allowed.

While the Council had approved a similar development at 19 Addington Court, an appeal for a comparable development at 17 Horseguards was dismissed in May 2007 for similar reasons to those above. The Inspector judged that a decision to allow this appeal would not be consistent with that earlier appeal.

**Location:** 28 South Street, Exeter, EX1 1EB



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**Reference No:** 07/0823/05

**Proposal:** Internally illuminated fascia sign on front elevation and externally illuminated panel sign on side elevation (RETENTION)

**Application Decision:** Delegated Refusal

**Type of Appeal:** Written Representations

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was the effect of the signs on the amenity of the area.

The appeal premises are located in an area of mixed uses and comprise a restaurant on the north east side of South Street, set within a Conservation Area.

The Inspector observed that the ground floor unit, with its fascia obscured by a blind, projects forward of the upper floors to create a first floor balcony enclosed by walls. The wall sign is fixed to the exposed north western side of the balcony with the fascia

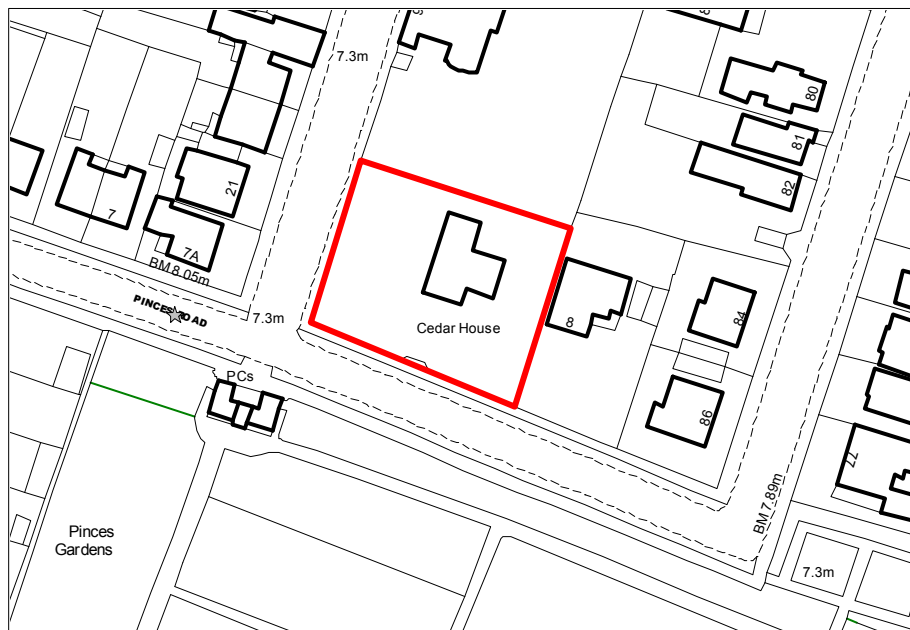
sign projecting directly from the front wall. He felt that both signs appear incongruous additions which are viewed in the residential context of the upper floors rather than as part of the commercial aspect of the ground floor unit.

The Inspector noted that the signs were visible from some distance away and were seen above the level of the adjacent retail units in the same block. He considered that they not only stand out as an unduly intrusive feature in the street scene but also fail to preserve the quality of the Conservation Area and given that they are also illuminated serves only to accentuate their inappropriate siting at night.

He concluded that the display of the signs was detrimental to the interests of the amenity and dismissed the appeal.

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**Location: Cedar House, Pinces Road, Exeter, EX2 9EN**



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**Reference No: 07/1041/03**

**Proposal: Installation of solar panels on roof of front elevation.**

**Application Decision: Delegated Refusal**

**Type of Appeal: Written Representations**

**Appeal Decision: DISMISSED**

**Grounds:**

The main issue was the effect of the development upon the character and appearance of Cedar House, Pines Road and the Conservation Area.

The Inspector noted the Princes Square Conservation Area was characterised by a variety of building types, density and designs that cumulatively display an attractive aesthetic rhythm to their general layout mass and form.

Cedar House is a detached two storey dwelling, constructed from brick and slate. It occupies a corner position with generous grounds set behind substantial boundary walls. Due to the characteristics of the site, the lower aspects of the house are not prominent within the street scene although the upper areas are clearly visible from the public domain. The Inspector considered the proposal would add an array of solar panels to the visible roof slope facing Pines Road.

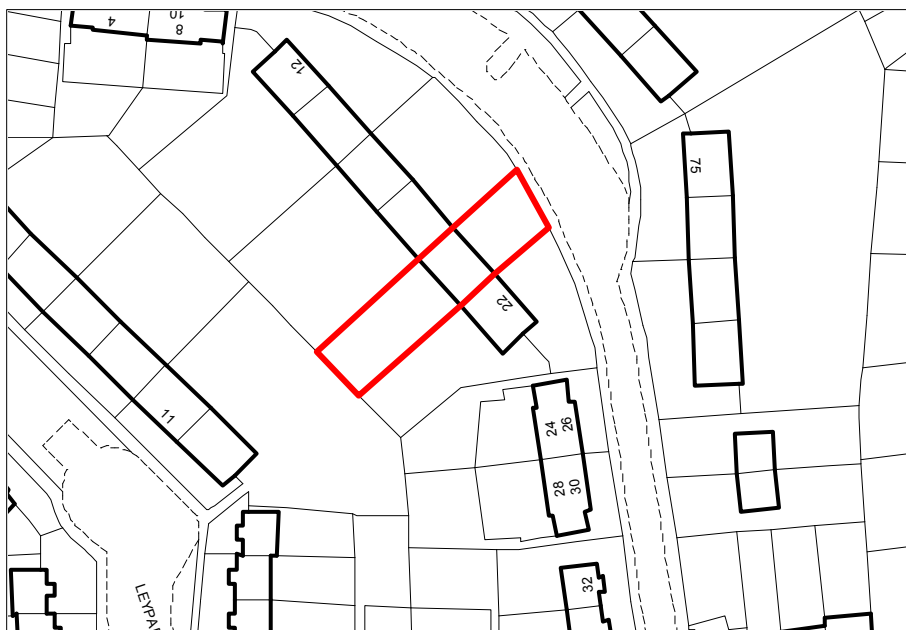
Whilst recognizing that an historic setting is not an insurmountable bar to the use of renewable energy technologies, the Inspector considered the siting of solar panels, due to their form and operational function require careful consideration when proposed for locations such as a Conservation Area.

The Inspector observed that the proposed solar panels would not look like roof lights due to their design, number and position and that even from a distance, they would look modern, functional and relatively large. Without any substantive evidence that a renewable energy benefit would arise from the four panels proposed, he gave overriding weight to the objective of preserving or enhancing the character or appearance of the Conservation Area.

In conclusion the Inspector felt the proposal would be contrary to DSP and ELP policies and dismissed the appeal.

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**Location: 20 Headland Crescent, Exeter, EX1 3NP**



**Reference No:**        **07/1044/03**

**Proposal:** Pergola in front garden.

**Application Decision:** Delegated Refusal

**Type of Appeal:**     Written Representations

**Appeal Decision:**    **DISMISSED**

**Grounds:**

The main issue was the effect of the development on the character and appearance of the surrounding area.

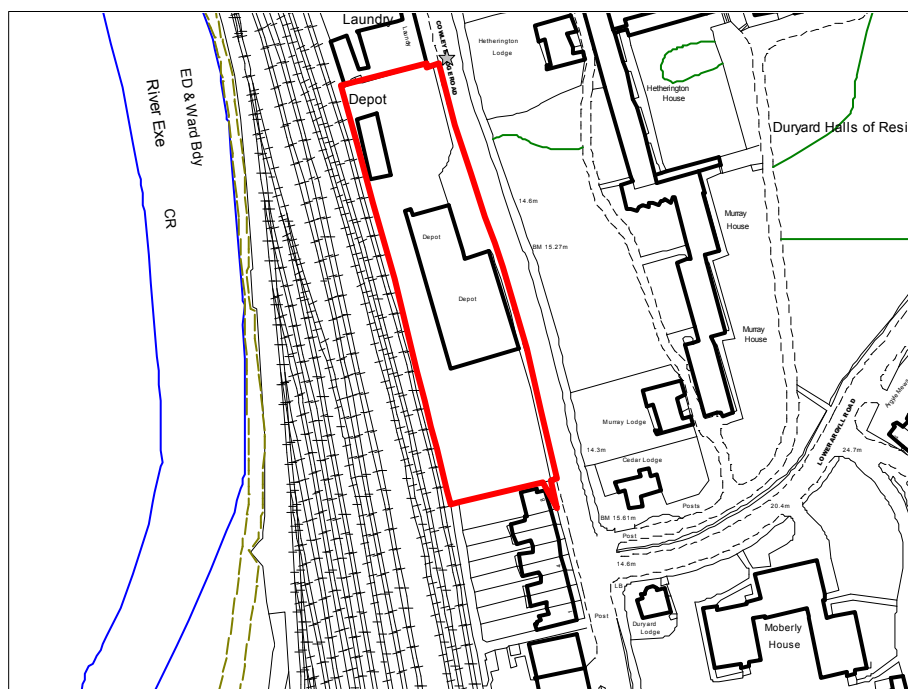
The proposed pergola was to be located in the open front garden of a block of flats; one of a number of similar blocks found on both sides of Headland Crescent. The site is almost central to the block in a prominent position on the inside of the curve of the road and overlooked by the flats opposite which are set back from the road front, contributing to the open character of the area.

The Inspector observed that there was on road parking at the appeal site with parking bays opposite, and that the site of the proposed pergola would be on a hard standing reported to have been the base of a former electricity substation.

He considered that the provision of a pergola to provide shelter for car parking, or to replace habitat lost to the concreted surface, would present an incongruous element in the street scene. Stating that such a structure was more typically associated with enclosed, private gardens areas he felt the isolated position away from the building and any significant boundary feature would add to the incongruity.

He concluded that the erection of a structure of this type in such a prominent position would result in material harm to the character and appearance of the area and would be contrary to the aims and objectives of the Devon Structure Plan and ELP policies.

**Location: Former Bradfords Building Supplies Site, Cowley Bridge Road, EX4 5AD**



Scale 1:1250

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**Reference No: 07/1056/02**

**Proposal:** Redevelopment to provide 50 student flats, parking, access to highway and associated works (approval sought of reserved matters on Ref. No. 05/15511/01 granted 6 March 2006) for siting, design, landscaping and external appearance.

**Application Decision:** Committee

**Type of Appeal:** Public Inquiry

**Appeal Decision:** DISMISSED

**Grounds:**

The main issue was considered to be the effect of the proposed development on the character and appearance of the surrounding area, including its effect upon the setting of the Riverside Valley Park.

The Inspector noted that the proposed development would have a footprint that would span a significant proportion of this linear site. There would be a considerable 4-

storey component to each building which would be up to 12.5m in height but set back towards the rear of the site. The buildings would be positioned close to the site frontage and would be dominated by the extensive 4 storey elements. When viewed from the street, each building would appear as a continuous built mass. The adjacent dwellings and industrial buildings are positioned close to the street, but they are smaller in scale than the proposed development.

In the Inspector's opinion the scale and massing of the predominantly 4 storey buildings, with moderate setbacks from the highway, would create a dominant and oppressive built form. As such, it would appear as a bulky and cramped form of development, which would be at odds with the more domestic scale and overall character of the area. Although the proposal offered an opportunity to replace the existing utilitarian buildings and to introduce an active frontage along this part of Cowley Bridge Road, the Inspector thought that the monolithic flat roofed structures would appear as vast solid blocks and would be prominent and imposing in the street scene. Furthermore, the detailing of the buildings would reflect, to some extent, the institutional appearance of the demolished Duryard Halls. The small casement windows and bland elevations of each building together with the blank facades of the 3 storey elements would be unattractive and not relate to the surroundings.

The Inspector noted that the Council objected that the development would restrict existing views of the open countryside to the west from Cowley Bridge Road. She agreed that the scale of the buildings proposed and their proximity to each other would effectively enclose Cowley Bridge Road and afford more limited opportunity for views of the countryside and hills beyond.

She found that the proposal would conflict with DSP Policy CO6 and ELP Policies DG1 and DG4.

With regard to the effect upon the setting of the Valley Park, the Inspector noted that there are few public vantage points from the west and whilst the site is visible from St Andrew's Road, these views are filtered and would be largely screened during the summer months. She considered that from a distance the development would be seen in the context of other buildings which rise up across the hillside behind it.

ELP Policy LS1 seeks to prevent development that would harm the landscape setting of the City. Whilst development needs to have regard to its sensitive location, the Inspector considered that the policy referred to inappropriate development within the designated landscape protection areas. Although she considered that this policy would not be breached, she noted that the site is visible to those fishing on the public and private areas of the River Exe as well as those travelling by train, albeit fleetingly. In these close range views, the scale of the buildings, together with their proximity to the boundary of the site and to the open countryside, would result in them appearing prominent and overbearing and this added weight to her conclusions above.

The Inspector acknowledged that the proposal would provide additional student accommodation on previously developed land as sought by ELP Policy H5 and DSP Policy ST1. Also, that the location has been identified as suitable for this purpose in the Council's adopted SPG for *Development Related to the University of Exeter* that

has been subject to public consultation and to which she attached significant weight. Furthermore, the SPG supports increased densities on appropriate sites.

With regard to the proposed provision of cycle storage, LP Policy T3 requires one space per unit. In this case the Council had interpreted units as bed spaces rather than per cluster flat. In the Inspector's opinion, at a ratio of one space per flat the standard was adequately met. She also noted that there were no highway objections to the proposal and that the site is close to the University campus with good access to public transport.

The Inspector considered the appellant's argument that the illustrative plan submitted at outline application stage showed a building with a continuous frontage close to the road. She also considered the appellant's statement that more bed spaces were put forward in the accommodation schedule submitted at the outline application stage. However, she noted that this schedule was indicative only and the outline consent made clear that layout, scale, appearance and landscaping were reserved for subsequent approval.

The Inspector concluded that notwithstanding her findings regarding additional student accommodation, increased densities and cycle storage, the adverse consequences of the proposal described above provided compelling grounds to dismiss the appeal.

### ***Costs application***

At the Inquiry, the appellants made an application for a full award of costs against the City Council.

**DECISION: The application fails and no award of costs is made.**

### **Reasons**

The Inspector considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

In her view, the reasons for refusal set out in the Council's refusal notice and appeal statement explained its objection to the proposal and it was professionally represented at the Inquiry. The Council had objected to the proposal on the basis that it would have an adverse impact upon the character and appearance of the area. The Council explained these objections fully in its evidence, where detail was given about the concerns arising regarding the height, scale, massing and design of the proposed buildings. The case involved planning issues of a subjective nature and in respect of producing relevant evidence to support its decision, she found that the Council had supported its reasons for refusal by reference to the development plan and all other material considerations. The dispute essentially involved a matter of judgement and

she considered that the Council adequately explained its concerns and why it came to its conclusions both in its written evidence and at the Inquiry.

The Inspector noted from the Minutes of the Committee meeting that Members were given a summary of representations from the appellant and that the appellant's agent had the opportunity to address the Committee on the appellant's behalf. Reference was made to the fact that there was a need for student accommodation and that the scheme had been amended to allow gaps through to the Valley Park. Members had sufficient information to enable them to form a balanced assessment in light of the development plan and all other material considerations. They made up their minds having heard the opinion of Council Officers as well as that of the appellant. She considered that the Council did not behave unreasonably in determining the appeal application.

The Inspector concluded that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93 had not been demonstrated. An award of costs was not justified therefore.

## APPEALS LODGED

Application	Proposal	Start date	Received date
126, Woodwater Lane, Exeter, EX2 5AT	Ground floor extension on west elevation and porch on south elevation.	20/12/2007	20/12/2007
Land at junction of Belmmt Road and Western Way, Exeter, EX1	Installation of telecommunications monopole (12.5 high), 3 antennae, 2 equipment cabinets and associated works.	02/01/2008	03/01/2008
12 St. Leonards Road, Exeter, EX2 4LA	Demolition of garage block in rear garden.	04/01/2008	04/01/2008
12 St Leonards Road EX2 4LA	Detached two storey residential annexe accommodation, integral garage and associated works	04/01/2008	04/01/2008
12 St Leonards Road EX2 4LA	Detached two storey residential annexe accommodation, integral cycle store and associated works	04/01/2008	04/01/2008
12 St Leonards Road EX2 4LA	Demolition of garage block in rear garden	04/01/2008	04/01/2008
2 Bazley Square, Exeter, EX1 3QP	First floor front extension	07/01/2008	07/01/2008
Land at the Exe Bridge Centre Carpark, Cowick Street, Exeter, EX4	Installation of telecommunications mono[pole (15m high), 3 antennas, radio equipment housing and ancillary	02/01/2008	07/01/2008

39 Buller Road, Exeter, EX4 1DA	works. Variation of Conditions 2 & 3 for the provision of 4/5 vehicles to be displayed outside 39 BullerRoad ( Ref No 06/2675/03 granted 15 December 2006)	07/01/2008	14/01/2008
21 Howell Road, Exeter, EX4 4LG	Trellis panels (1.8m high) on front boundary (RETENTION)	10/01/2008	14/01/2008
5 Colleton Hill, Exeter, EX2 4AS	Alterations to roof to include dormer windows on front and rear elevations	10/01/2008	21/01/2008
5 Colleton Hill, Exeter, EX2 4AS	External alterations to provide dormer windows on front and rear elevations, internal alterations to walls and provision of staircase.	10/01/2008	21/01/2008
4 Exe Vale Road, Exeter, EX2 6LD	Ground floor rear extension on north east elevation.	14/01/2008	21/01/2008
53 Northernhay Street, Exeter, EX4 3ER	Alterations to include provision of pitched roof, dormer windows on southeast elevation, door, stairs on southwest elevation and windows on northwest elevation.	16/01/2008	22/01/2008
47 Vennybridge, Exeter, EX4 8JX	Dwelling ( layout, scale, appearance and landscaping reserved for future consideration)	23/01/2008	28/01/2008

**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