

EXETER CITY COUNCIL

**PLANNING COMMITTEE
14 JANUARY 2013**

APPEALS

DECISIONS RECEIVED

SUMMARY: 7 appeal decisions have been received since the last report:
Six appeals were dismissed and 1 allowed subject to conditions.

42 The Strand, Topsham, Exeter, EX3 0AY.



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Reference Nos: 11/2028/07 (Appeal A)
11/2027/03 (Appeal B)

Proposals: Appeal A: Listed building consent application for ground floor extension on east elevation.
Appeal B: Planning application for ground floor extension on east elevation.

Application Decisions: Delegated Refusal

Types of Appeal: Written representations

Appeal Decision: BOTH DISMISSED

Grounds:

The main issue was the effect of the proposed extension on the special architectural and historic interest and setting of 42 The Strand, listed grade II, and on the character and appearance of the Topsham Conservation Area.

The property is identified in The Topsham Conservation Area Appraisal and Management Plan as making a positive contribution to the character and appearance of the Conservation Area.

The Inspector considered the special architectural and historic interest of the building related to its design, form and architectural character and its setting in relation to the neighbouring dwellings. The existing single storey rear additions were simple subservient utilitarian additions with little architectural significance to the heritage asset save that they illustrated a hierarchy of development of the property.

The appellant proposes replacing the existing lean-to and then building a further single storey flat roof extension. The proposed extension would be 'L' shaped in plan and have a flat roof with a raised lantern light. The walls would be finished in render. The design of the new extension incorporates a number of doors and windows of an eclectic mix of styles and proportions that would be powder coated aluminium in contrast to those in the main house. The proposed extension was described by the appellant as an orangery style conservatory.

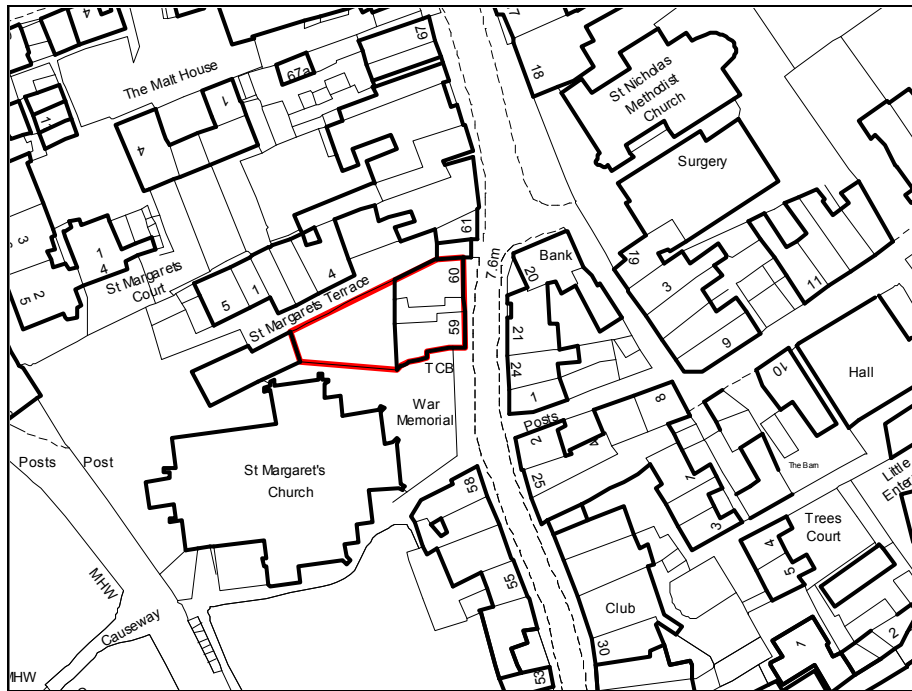
A simple, well mannered, lightweight, contemporary designed addition, incorporating windows and doors contrasting in design and even framing materials, can sometimes be an appropriate architectural design solution when extending a listed building or linking a disparate range of small extensions. However, due to the proposed extension's form, the overall number of openings proposed and their style and proportion, the proposed extension would appear as an incongruous alien addition. It would fail to make a positive contribution to the building's character, appearance and setting.

The Inspector considered one of the key features of a traditional orangery to be its simple, well proportioned architectural form, the relationship of void to solid and its often simple elegant appearance. Due to the proposed window/door configuration, the extension as designed would not achieve the appellant's stated design objective of creating an orangery style conservatory.

The Inspector concluded that due to its design, in particular its mass, form and choice of materials to be used in relation to its poor fenestration pattern, the proposed extension would be a wholly unsympathetic form of development that would be harmful to the architectural character, appearance and setting of the listed building. It would therefore serve neither to preserve nor enhance the character and appearance of the Topsham Conservation Area.

Accordingly, the proposal was contrary to the objectives of The Framework, CS Policy CP17, DSP Policies CO6 and CO7, ELP Policies DG1, C1 and C2 and the Council's *Householder's Guide SPD*.

59-60 Fore Street, Topsham, Exeter EX3 0HL



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Reference Nos: 12/0183/07 (Appeal A)
12/0182/03 (Appeal B)

Proposals: Appeal A: Listed building consent application for extension on rear flat roof to add one third floor apartment.
Appeal B: Planning application for extension on rear flat roof to add one third floor apartment.

Application Decisions: Delegated Refusal

Types of Appeal: Written representations

Appeal Decision: BOTH DISMISSED

Grounds:

For Appeal A the main issue was the effect of the proposal on the special architectural and historic interest of the Grade II listed building.

For Appeal B the main issues were

- i) the effect of the proposal on the listed building,
- ii) whether the proposal would preserve or enhance the character or appearance of the Topsham Conservation Area, and
- iii) the effect on the living conditions of the future occupants of the proposed apartment.

It was proposed to create a new top floor apartment over the existing full width rear extension. The apartment would be set in from the edge of the parapet on the south side. The flat roof over the proposed apartment would be level with the top of the ridge of the main building. The apartment would be mansarded on all three sides, with two inset balconies facing west. Two small windows were proposed in each gable of the main building.

Listed building

The appeal building is a late 18th century three storey building whose main significance lies in its red brick façade with sash windows. Little remains internally as a result of work carried out in 1973 and a subsequent fire. The existing rear extension is of poor design quality. Although the special interest of the building is now limited, because the flat roof of the existing extension stops short of the eaves line of the main building, the historic form and massing of the main roof is still clearly legible. This contributes to the historic significance of the building.

The existing gables of the main roof would be retained, but the whole of the rear roof slope would be removed, except for a small part at each end. The Inspector agreed with the Council that the distinctive form of the historic roof would be lost, which would significantly harm the special architectural and historic interest of the building. She also thought that the small windows proposed in each gable, located very close to the top of the gable wall would look awkward in the expanse of rendered wall in each gable.

The Inspector concluded that the proposal would fail to comply with the tests of Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which required her to have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possessed. The proposal also conflicted with the NPPF, DSP Policies CO6 and CO7 and ELP Policy C2.

Conservation area

The appeal site is within the Topsham Conservation Area. The appeal building is one of a large group of listed or locally listed buildings along the High Street which are positive contributors and which give the town its high quality townscape.

Whilst views of the north side of the building are partly restricted by other buildings, the opposite is true when viewed from the south. In these views the side elevation of the building has a strong presence in the street scene. Its distinctive narrow 18th century gabled profile is seen harmoniously together with the gables of other listed buildings. The gable wall also encloses the forecourt to the adjacent listed Church of St Margaret. It is also visible from the churchyard looking through to the forecourt of the church. The Inspector considered that in all these views the proposed mansard would be highly prominent and would be an unacceptably dominant feature in relation to the historic main roof.

The Inspector concluded that the proposed third floor apartment would fail to preserve the character or appearance of the conservation area and the setting of the adjacent listed buildings contrary to the Act and ELP Policies DG1 and C1.

Living conditions

The Inspector agreed with the Council that the low ceiling heights proposed throughout the whole flat, which could be occupied by a family, would have an oppressive effect on

the living conditions of the future occupiers. She concluded that the amenity in this flat would not be good, as required by the Framework and that it would fail to satisfy the aims of ELP Policy DG4 (b).

Conclusion

The Inspector concluded that the proposals failed the tests of the NPPF, as the public benefit of an additional residential unit in this sustainable location would not outweigh the harm caused to the historic and architectural interest of the building, the character and appearance of the Topsham Conservation Area and the living conditions of future occupants. Nothing in the appellant's submission persuaded her that the proposal was necessary to secure the optimum viable use of the building.

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2 Iolanthe Drive, Exeter EX4 9EA



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Reference Nos: 12/0493/03

Proposal: Erection of a 2 bedroom dwelling adjoining 2 Iolanthe Drive, together with associated off street parking provision.

Application Decision: Delegated Refusal

Type of Appeal: Written representations

Appeal Decision: DISMISSED

Grounds:

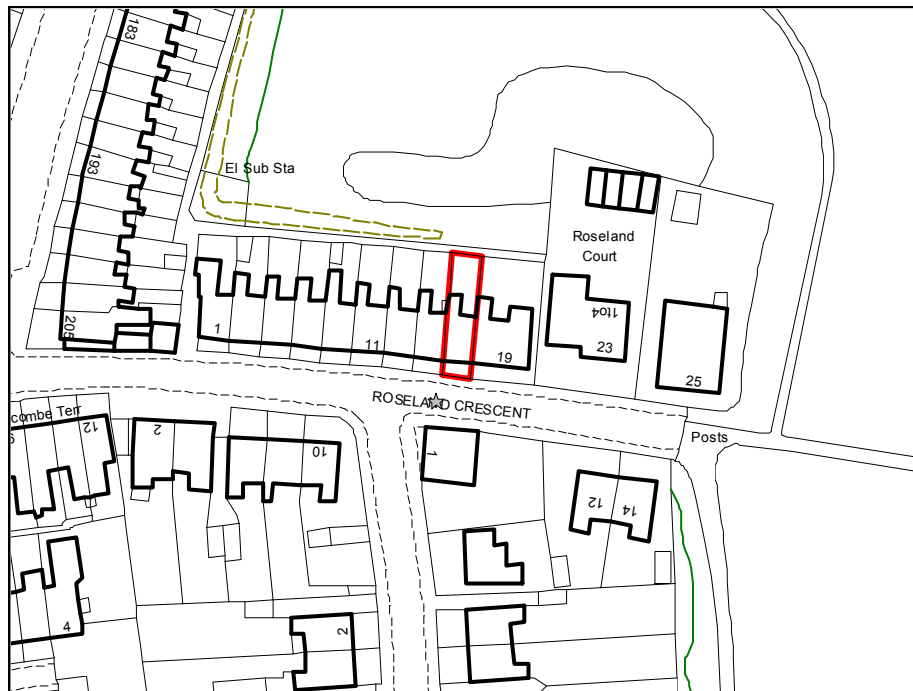
The main issue was the effect of the proposed development on the character and appearance of the area.

The appeal related to a prominent corner site within a 1960s estate. The Inspector saw that both Iolanthe Drive and Chancellor's Way rise up steeply from this corner and have a quite densely developed feel. The set back of the dwelling at No.2 creates a sense of more openness towards the corner, which helps to soften and relieve the impact of the dense development on the streets above. The Inspector agreed with the Council that the private side garden of No.2 has considerable public amenity value in that its openness makes an important contribution to the street scene.

The proposed dwelling would extend the existing terrace into this open area. Given its siting and size it would erode the feeling of openness on the corner. It would also project forward of the building line in Iolanthe Drive. In this position it would appear as a discordant element at the end of the Drive in views from its higher parts, as it descends in a long sweeping curve. The Inspector considered that the proposed development would harm the character and appearance of the area. It would conflict with DSP Policy CO6 and be at odds with ELP Policy DG1 because of its effect on the surrounding townscape. In addition, the proposed development would be contrary to the aims of CS Policy CP4 which seeks the highest appropriate residential density compatible with the character and quality of the local environment. It would also be at odds with CS Policy CP17 in that it would not complement or enhance local identity.

The Council also refused the application as it had not been demonstrated that the proposal would not have a detrimental nature conservation impact on designated European sites at Exe Estuary, Dawlish Warren and Pebblebed Heaths. The appellant argued that given the distance of between 5 and 12 miles to the Exe Estuary, Dawlish Warren and Woodbury Common, one dwelling would have no effect on these wildlife areas. Although this consideration weighed against allowing the appeal, it seemed to the Inspector that it would be unlikely to be an insurmountable obstacle to the proposed development proceeding were it acceptable on other grounds.

17 Roseland Crescent, Exeter, Devon EX1 2TJ



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Reference Nos: 12/0521/03

Proposal: Conversion to form flat and maisonette incorporating ground floor rear extension.

Application Decision: Delegated Refusal

Type of Appeal: Written representations

Appeal Decision: DISMISSED

Grounds:

The main issues were the effects of the proposed development on the living conditions of future occupiers with particular reference to internal floor space, outlook and available light; and the effects on nature conservation.

The appeal property is a mid-terrace dwelling backing onto Heavitree Pleasure Ground. The proposed development was for conversion to form a lower ground floor flat and a maisonette on the ground and first floors.

Both of the proposed dwellings would accord with the minimum room sizes cited in the Council's *Residential Design* SPD. The proposed maisonette would have a floor area which would marginally fall below the minimum required by the SPD. The Inspector did not consider this difference would impair the quality of amenity within the maisonette to such an extent that residents would not feel at ease within their home. However, the proposed lower ground floor flat would have an area of only 39 m² compared to the

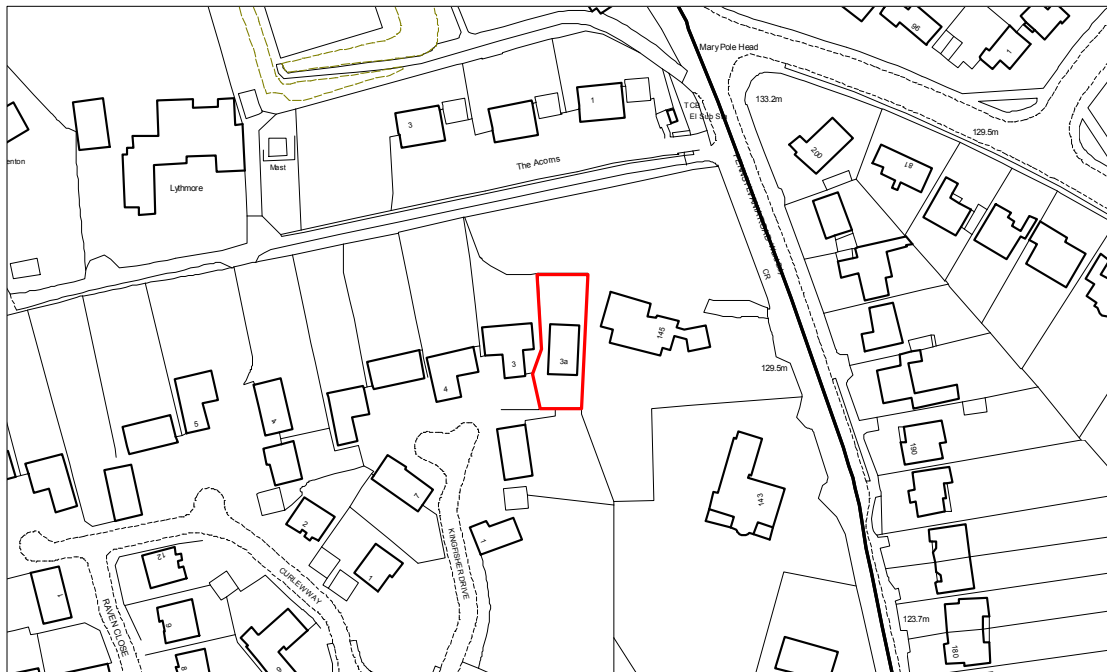
minimum set out in the SPD of 50 m². The Inspector thought that this difference would be significant, and would result in cramped living conditions for future occupiers, contrary to DSP Policy CO6, ELP Policies H2 and DG4(b) and the provisions of the *National Planning Policy Framework* concerning design.

The Inspector thought that the lower ground floor flat would receive adequate light and would have a satisfactory outlook.

The Inspector thought it would be wrong to grant planning permission for the appeal scheme if it, in combination with other new housing, would be likely to have a significant adverse effect on a designated European site. He considered the proposal would not accord with CS Policy CP16 DSP Policy CO10 and ELP Policy LS2, which concern nature conservation.

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3a Kingfisher Drive, Exeter EX4 4SN



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Reference Nos: 12/0929/03

Proposal: Roof extension to form a gable end, a car port on the west boundary, an extension to the driveway and a conservatory on the north elevation.

Application Decision: Delegated Refusal

Type of Appeal: Householder

Appeal Decision: ALLOWED subject to conditions.

Grounds:

The main issue was the effect of the proposed development on the living conditions of the occupiers of 145 Pennsylvania Road.

The appeal proposed alterations to the roof of a bungalow on a sloping site. It was proposed to raising the whole roof by 1m, with a gable end on the north elevation in place of the existing hipped roof. The dwelling is oriented along the narrow plot, such that its east flank elevation is set close to the boundary with 145 Pennsylvania Road, a large bungalow set in a spacious plot. The land rises slightly towards the east, such that the subject dwelling sits at a lower level than the front garden of No.145. Bearing in mind the existing planting along the boundary, the Inspector considered that the proposed raising of the eaves and roof would not significantly intrude into the outlook from the front garden or have an overbearing effect. He considered that the raised roof and gable end would intrude only to a limited and acceptable extent into the outlook from windows on the western elevation of 145 Pennsylvania Road, which would retain their direct outlook over the garden.

The appellant suggested that the proposed scheme would be preferable to the 4m long (and 4m high) extension which could be added to the rear elevation of the property under permitted development rights: such an extension would intrude to a significant degree into the outlook from the windows in the west elevation of No.145. The Inspector agreed that this was an important material consideration in this case, and considered that the proposed development was preferable to the fall-back position.

The Inspector concluded that the proposed development would not significantly harm the living conditions of the occupiers of 145 Pennsylvania Road. It would be acceptable by reference to CS Policy CP17 ELP Policy DG1, and the guidance contained in the Council's *Householder's Guide* SPD. It would be in accordance with the relevant core principle of the National Planning Policy Framework, that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The appeal was allowed subject to conditions requiring commencement within three years, compliance with the approved drawing, and the use of external materials to match those used for the existing building.

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APPEALS LODGED

Application	Proposal	Start Date	Received Date
12/0572/03 1 Oak Close, North Street, Exeter, EX1 2RQ	Fence on top of existing wall and gate on east boundary.	19/11/2012	19/11/2012
12/1023/03 47 Birchy Barton Hill, Exeter, EX1 3EX	Single storey rear extension.	11/12/2012	11/12/2012

12/1258/03
12 Wellswood
Gardens, Exeter,
EX4 1RH

Two storey extension on front
elevation and single storey
extension on side elevation.

12/12/2012

12/12/2012

RICHARD SHORT
ASSISTANT DIRECTOR 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.

Available for inspection from: -

City Development, Civic Centre, Paris Street, Exeter (01392) 265223