

EXETER CITY COUNCIL

PLANNING COMMITTEE 24 JUNE 2013

APPEAL DECISIONS

1. SUMMARY

Three appeal decisions have been received since the last report. All were dismissed.

Oak Close, North Street, Heavitree, Exeter

Reference No: 12/0572/03

Proposal: Erection of a feather edged fence on top of a brick wall

Application Decision: Delegated refusal

Type of Appeal: Written Representations

Appeal Decision: Dismissed

Grounds:

The main issue was whether the proposal would preserve or enhance the character or appearance of the Heavitree Conservation Area.

The appeal related to a terraced house within the Conservation Area. The front garden has a low brick wall, behind which additional timber fencing and a timber door have been erected to screen views of the site from the pavement outside, which accommodates a bus-stop and public litter bin. Retrospective permission was sought for this fencing.

The Inspector considered the significance of this part of the Conservation Area to be associated with the linear pattern of development along North Street. Although housing in the street was of mixed design and appearance, there were also stretches of relatively consistent terraced housing facing North Street. The terraced houses on the western side of the road, including the appeal property, were characterised by frontages which featured a low brick wall behind which there was either vegetation or open areas.

The Inspector noted that the appeal property was the only house within the terrace that had a timber fence at this height along the pavement frontage. The effect of the fencing was to change the way in which the front garden of the appeal property was read when viewed from the street. By virtue of the height of the fence and the introduction of timber into the street scene, the frontage of the house was more reminiscent of an enclosed rear garden. As such, it did not reflect the appearance of the other terraced properties facing North Street.

The Inspector appreciated the Council's concern that approval of this proposal, which would change the character of this side of the road, could be used in support of similar schemes. He considered this to be not a generalised fear of precedent, but a realistic and specific concern. The impact of high fences being erected along the front boundaries of other properties on this side of North Street would interfere with the existing pattern of low walls which are characteristic of this area, thereby causing harm to the Conservation Area. Allowing this appeal would make it difficult to resist further planning applications for similar developments, and their cumulative effect would exacerbate the harm

As the Inspector considered the harm would be less than substantial the harm needed to be weighed against any public benefits associated with the development as advised in the NPPF. Although the fence improved privacy and security and helped to prevent littering of the front garden these were not public benefits and were therefore unable to outweigh concerns about the effect of the fence on the appearance of the Conservation Area.

The Inspector concluded that the proposal would not preserve or enhance the character or appearance of the Conservation Area contrary to DSP Policy CO6 and ELP Policy DG1 which seek high standards of design. The proposal would also be in conflict with the overarching principle of the NPPF to protect the historic environment. The harm to the heritage asset would be less than substantial but this harm would not be outweighed by public benefits.

The River Church, Northernhay Street

Reference No: 12/1074/03

Proposal: Replacement entrance doors

Type of Appeal: Written Representations

Appeal Decision: Dismissed

Grounds:

The main concern was the effect upon the character and appearance of the building, which is identified within the Exeter Local Plan (LP) as a Building of Local Importance; and whether the proposal would preserve or enhance the character and appearance of the St. David's Conservation Area (CA).

The appeal premises comprise a Victorian chapel, which has a three leaf entrance door with a multi-paned fanlight above. It forms part of the architectural significance of the locally important building and makes a pleasing contribution to the architectural quality and appearance of the CA. Whilst the provisions of the Equality Act 2010, (which requires a landlord to provide reasonable adjustment to their buildings to enable access to all) and the Public Sector Equality Duty under section 149 of the Equality Act 2010 were taken into consideration, it was concluded that the proposed replacement glass doors would have resulted in the loss of an important part of the original fabric of the building. This would diminish the architectural quality and erode the integrity of a building. The replacement doors, with a large expanse of glass, would also contrast awkwardly with the proportions and detailing of the host building. It would disturb the largely unaltered roadside elevation of a building which is prominent in the street and detract from its pleasing contribution to the CA. The proposal would conflict with the provisions of the development plan which are aimed at safeguarding the qualities of the CA and the architectural or historic value of the Building of Local Importance. The benefits of replacement glass doors would not have outweighed the harm and therefore the appeal did not succeed.

Southlands, Fore Street, Heavitree

Reference Nos: 12/0605/03 & 12/0606/07

Proposal: Ground floor extension on north west elevation and two storey extension on the north east elevation

Type of Appeals: Written representations

Appeal Decisions: Dismissed

Grounds:

Two issues were of concern relating to this application: firstly, whether the proposals would preserve the Grade II listed building, its setting and any features of special architectural or historic interest; whether it would preserve the setting of the adjacent Grade II listed buildings at 1 Bicton Place and 8 Mont Le Grand and preserve the character and appearance of the Mont Le Grand Conservation Area (CA) and; secondly, the effect upon the living conditions of neighbouring residents, having particular regard to the outlook of the occupiers of 15 Southlands and the outlook and light of the occupiers of 1 Bicton Place.

The significance of Southlands lies primarily in its architectural fabric as well as its historical associations with the local builder/architect William Hooper. Nevertheless, the remaining garden area typifies its high class suburban origins and assists in maintaining a sense of spaciousness around this nationally important building. It sets Southlands apart from 8 Mont Le Grand and 1 Bicton Place whilst also forming part of their setting. It was noted in the Inspector's report that the appellants' architect had given thoughtful consideration to the design of the proposed scheme, but even so the proposed two storey extension would have been very close to the boundary with 1 Bicton Place. As such it would have significantly eroded the garden space between the two listed buildings seriously diminishing the sense of spaciousness, impacting on both the listed buildings and the CA. Whilst the scheme would change the outlook from the windows of neighbouring properties the combination of distance and height would have avoided any overbearing impact for the occupiers, harmful overlooking or loss of light. It would have been unlikely to result in any harm to other residents. Even so, whilst living conditions would not be significantly harmed they did not outweigh the harm to the heritage assets and the appeals did not therefore succeed.

2. APPEALS LODGED

No appeals have been lodged since the last report.

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