

EXETER CITY COUNCIL

PLANNING COMMITTEE

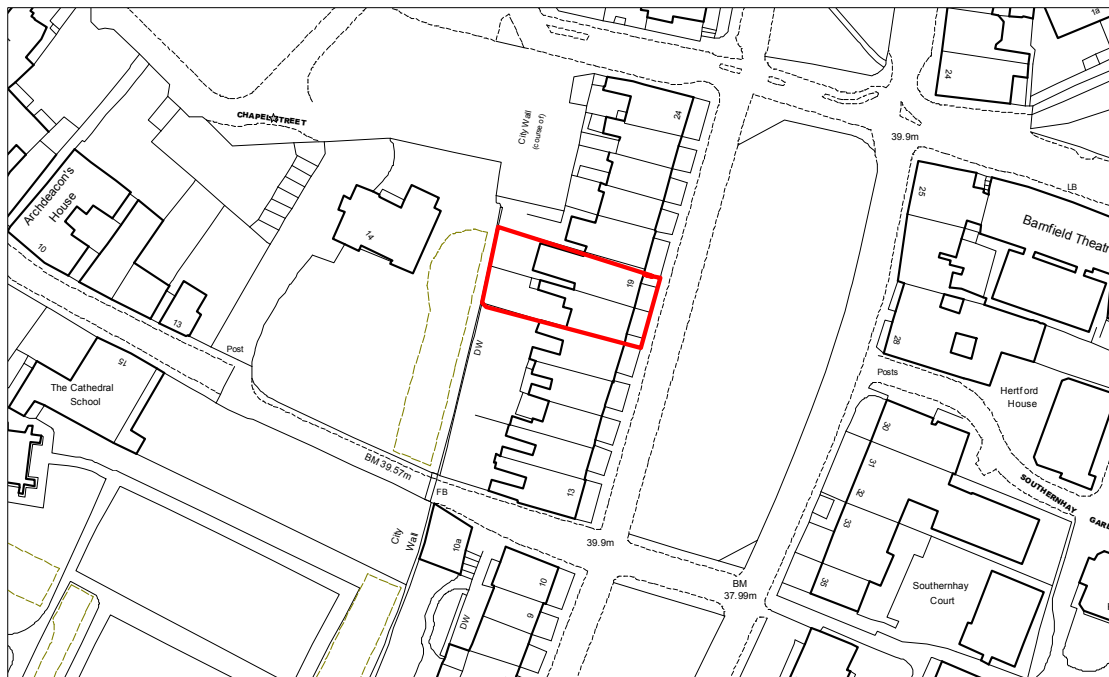
19th February 2007

APPEALS

DECISIONS RECEIVED

SUMMARY: 10 appeal decisions have been received since the last report;
7 were dismissed and 3 allowed subject to conditions.

Location: 18/19 Southernhay West, Exeter EX1 1PJ



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Reference Nos: 06/0054/07 (Appeal A)
06/0053/03 (Appeal B)

Proposals: Appeal A: Demolition of garden walls and formation of car and cycle park.

Appeal B: Alterations to include removal of garden walls to form car and cycle park.

Application Decisions: Delegated Refusal

Type of Appeals: Written Representations

Appeal Decisions: APPEALS DISMISSED

Grounds:

The main issues were considered to be the effect of the proposal on

- a) the special architectural and historic interest of the Grade II* listed buildings, Exeter city wall and the Southernhay and The Friars Conservation Area, and
- b) highway safety.

Special architectural and historic interest

The Inspector did not consider that the garden walls, which are in poor condition to be of such intrinsic importance in themselves that demolition should not be considered. However, he recognised that they defined the important plots. He also considered that gardens provided a far better setting for the listed building and city wall than does the existing car parking to the rear of the other listed buildings in the terrace. He considered that the loss of definition of plots and the substantial change, in particular the large area of hard standing and parked cars, would cause harm to the special architectural and historic interest and setting of the listed buildings, city walls and conservation area.

Although the Council had granted planning permission and listed building consent for a similar proposal in 1999, these had not commenced and were therefore time expired. The Inspector considered that the current proposal would be another utilitarian addition at the rear of the listed buildings and would not in any way mitigate the harm of the proposed parking and loss of plot definition. The small amount of landscaping adjacent to the city wall would still not be sufficient to overcome the harm.

The Inspector also considered that the extent of excavation necessary to accommodate the car park would be likely to have an impact on the stability of the city wall.

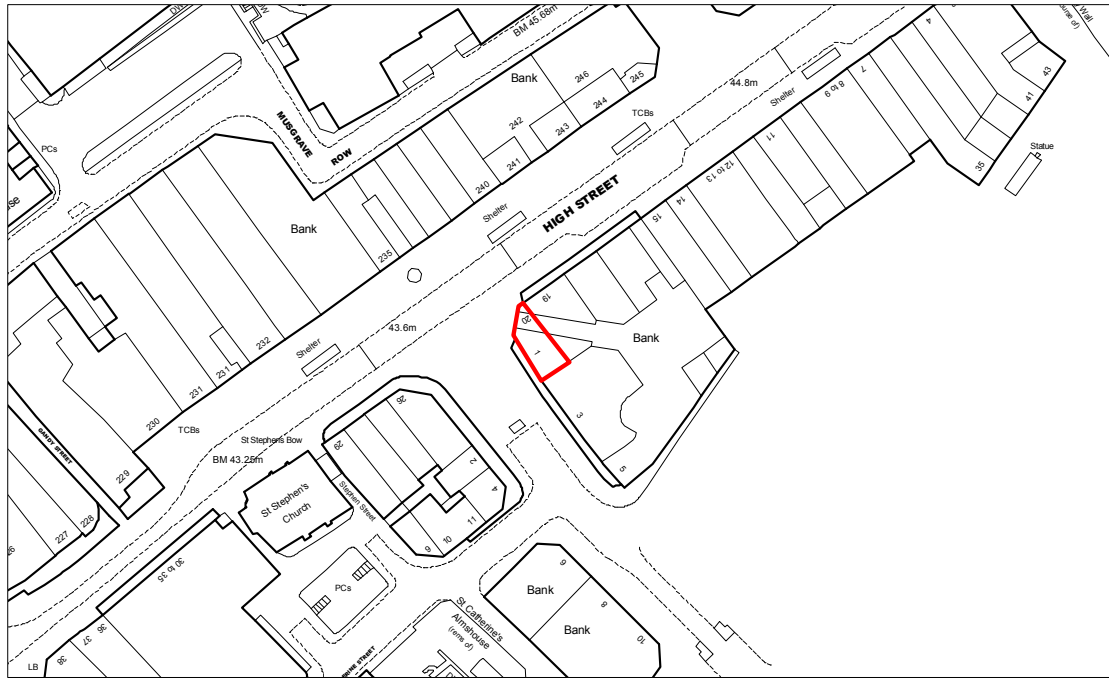
Highway safety

The Inspector noted that the access that would serve the appeal site is through a hole formed in the tall garden wall directly adjacent to the pavement. The opening onto the road to the side of the site is relatively narrow. Cars which exit have almost no visibility of pedestrians using the footpath or vice versa, before the pedestrian is in front of the entrance itself, and very limited visibility of the rest of the width of the road. He agreed with the highway authority that this was a dangerous arrangement. He concluded that the harm to highway safety in permitting any further use would be significant and unacceptable.

The Secretary of State agreed with the Inspector's recommendation and refused to grant planning permission and listed building consent.

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Location: Vodafone, 17-19 High Street, Exeter EX4 3LH



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Reference No: 06/1329/05

Proposal: Internally illuminated fascia signs and projecting signs.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: APPEAL DISMISSED

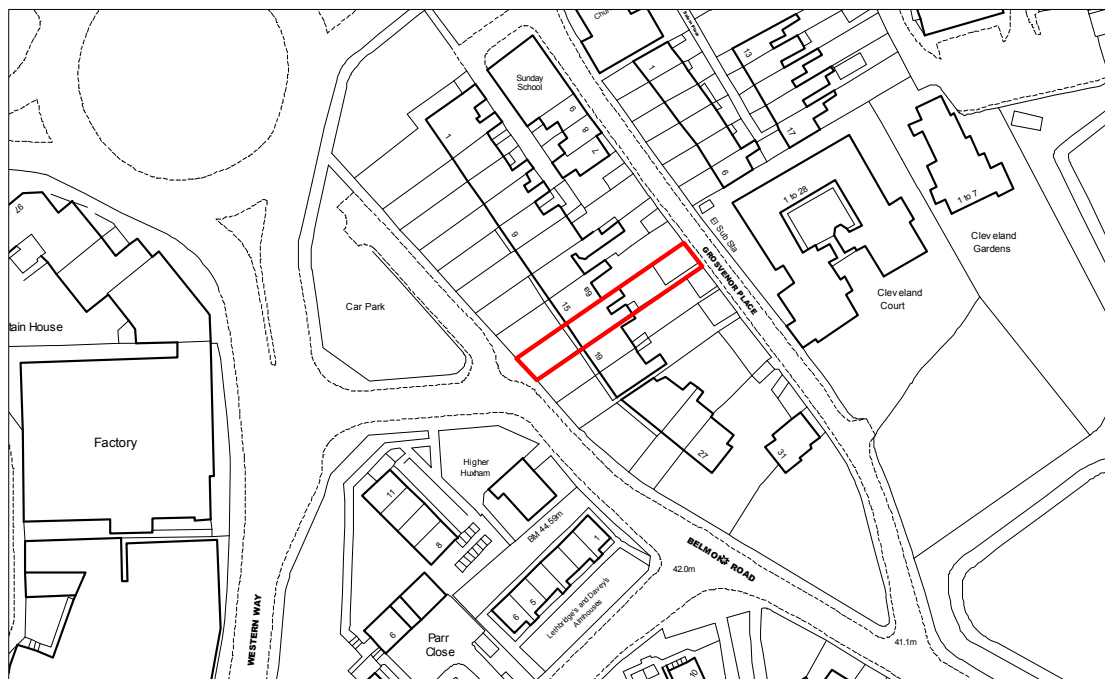
Grounds:

The Inspector thought the appeal signs, which were being displayed at the time of his inspection, related poorly to the host building which occupied a prominent corner position. He considered the signs to be *“unequivocally 21st century in materials and design, particularly the “peel back” feature which I consider overtly modern and out of place on this building”*. He thought the signs’ red background accentuated their intrusiveness and incongruity, in contrast to the subdued signage of adjacent High Street properties. He considered that the 3 projecting signs when seen in conjunction with the fascia signs, overburdened the shop front elevations.

The Inspector noted that the host building made a valuable contribution to the streetscape which the appeal signs failed to respect. He considered that the *“strident modern signs fail to assimilate comfortably onto the facades of this elegant 1950’s building with its stone dressings at ground floor level, to the detriment of the host premises and the townscape as a whole”*. He agreed with the Council that the signs failed to preserve or enhance the character or appearance of the Conservation Area.

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Location: 17 Belmont Road, Exeter EX1 2HF



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Reference No: 06/0462/03

Proposal: Change of use to a house in multiple occupation for 10 people.

Application Decision: Officer Recommendation: Approval
Committee Decision: Refusal

Type of Appeal: Written Representations

Appeal Decision: APPEAL ALLOWED WITH CONDITIONS

Grounds:

The Inspector noted that the appeal building previously provided accommodation for about 10 people. On this basis he agreed with the view expressed by the Inspector in relation to a recent appeal that the proposed change of use would not amount to any significant intensification of use. He also noted that no alterations to the building either internally or externally were proposed. He therefore concluded that the proposed change of use would preserve the special interest of the Grade II listed appeal building and the character of the Belmont Conservation Area.

As no significant intensification of use would occur, the Inspector did not consider the proposed development would harm the amenities of neighbouring occupiers. He thought any excessive noise and disturbance would be subject to control by other authorities. As residents of houses in multiple occupation were generally less wealthy in his experience, he considered car ownership was likely to be low. He also considered that to restrict development on the basis of a lack of parking provision either on or off the site would run

counter to the thrust of government policy which seeks to encourage sustainable transport choices and reduce reliance on the private car in accessible locations such as this.

The appeal was allowed subject to conditions requiring the provision of bin storage and car parking facilities before the use commences, in accordance with details to be approved by the local planning authority.

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Location: The Old Rectory, 15 Park Lane, Pinhoe, Exeter EX4 9HL



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Reference No: 06/0129/03

Proposal: Erection of a four-bedroom, two-storey house.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: APPEAL DISMISSED

Grounds:

The main issues were considered to be the impact on the character and appearance of the area, the effect on the living conditions of neighbouring dwellings including the host dwelling, and the effect on the appearance and life expectancy of two London Plane trees.

The impact on the character and appearance of the area

The Inspector considered that the appearance of the driveway proposed to serve the new house, which would run parallel with Vicarage Lane and only be separated by a narrow line of vegetation, would be unsatisfactory and would emphasise the backland nature of the development. The development would also leave the host building and the proposed house set tightly up to the boundaries, creating a cramped appearance. The proposal would therefore conflict with Development Plan policies.

The effect on the living conditions of neighbouring dwellings

The Inspector did not consider the proposed development would give rise to a significant degree of overlooking for occupiers of Rectory Gardens or the host property. However, he considered the new driveway would cause harm to the amenities of occupiers of the host building. He also thought that there would be a loss of privacy and outlook for the occupants of Coppins, a bungalow on the opposite side of The Poplars. He concluded the proposal would therefore conflict with ELP Policy DG4.

The effect on the appearance and life expectancy of trees

The Inspector regarded the proximity of the proposed house to the canopy of one of the two protected trees at the site as a cause for concern. He thought the 2m separation distance was too small and was likely to lead to pressure from future occupiers to prune or remove the tree. He concluded that the proposed layout would not be compatible with the long-term protection and retention of the protected tree.

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Location: 18 Broadparks Avenue, Pinhoe, Exeter EX4 9ET



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Reference No: **06/0546/03**

Proposal: Two storey extension on north elevation.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: **APPEAL ALLOWED WITH CONDITIONS**

Grounds:

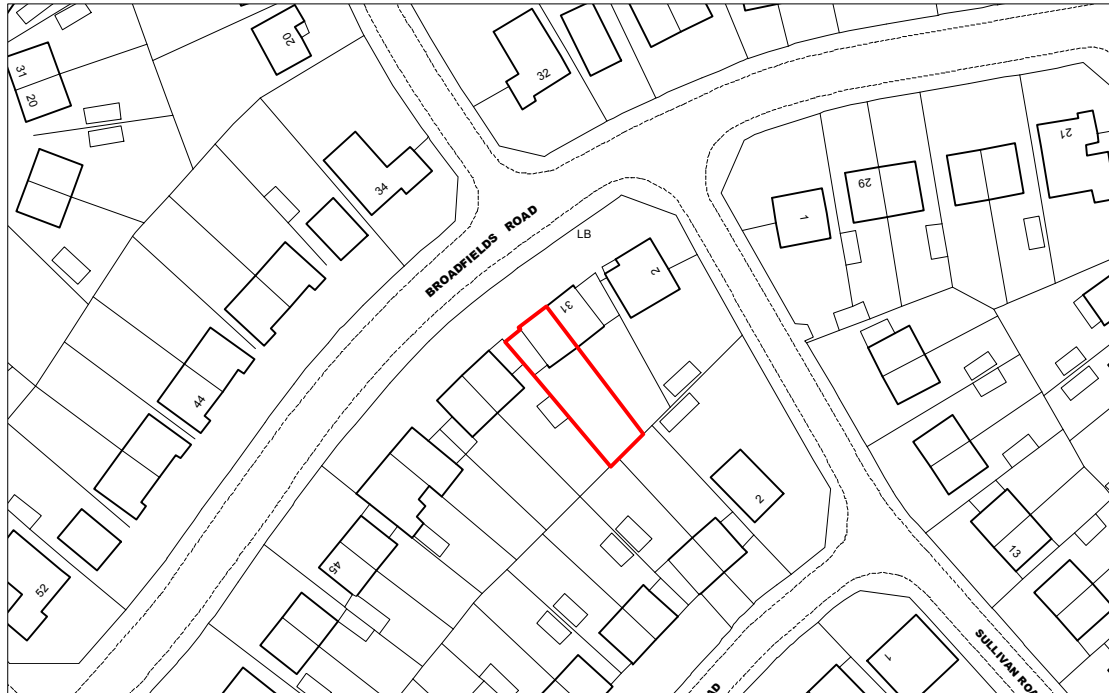
The main issues were considered to be the visual impact of the extension and the effect of increased overlooking on the amenities of neighbours.

The Inspector considered that as there was a wider space between the adjoining bungalow to the north and the appeal property than was normal in the area and, bearing in mind the difference in ground levels, the visual relationship between the properties would be satisfactory if the extension was erected. He did not consider the extension would be unduly large or dominant in relation to the existing house. He accepted that the half-dormer windows would introduce an uncharacteristic feature to the dwelling but did not consider this would be unacceptable. He did not consider that any loss of privacy in the gardens of the adjoining properties would be so unreasonable as to warrant withholding planning permission.

The appeal was allowed subject to conditions requiring the commencement of the development within three years and the submission of samples of materials.

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Location: 33 Broadfields Road, Exeter EX2 5RF



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Reference No: 06/0542/03

Proposal: Two storey side extension.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: APPEAL DISMISSED

Grounds:

The main issue was considered to be the effect of the proposed extension on the character and appearance of the surrounding area.

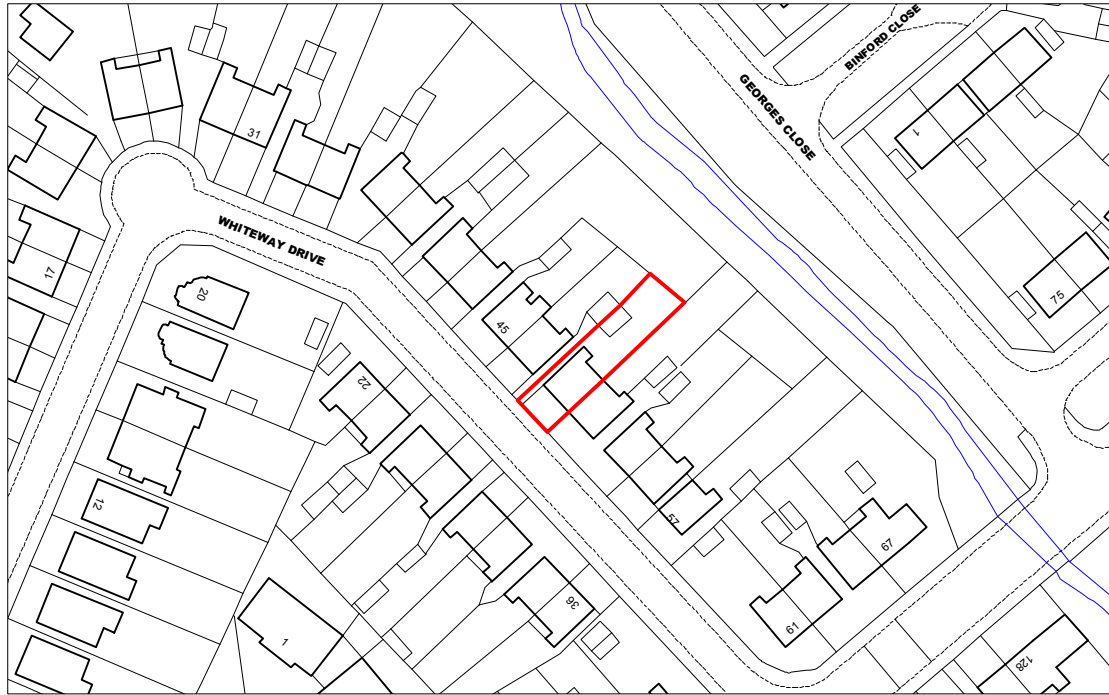
The Inspector considered that the two-storey extension with its matching materials, stepped back upper façade and lowered roof ridge, would result in a well articulated form much in accord with the Council's design guidelines. However, by abutting the line of the boundary the extension would fail to leave the one metre gap required by the guidelines. This would leave no significant gap between the proposed extension and that of the neighbouring house, effectively resulting in the two pairs of semi-detached houses linking to form a short terrace. The proposal would upset the rhythm

of development and would not relate well to the surrounding townscape. The Inspector concluded that the proposed development would harm the character and appearance of the area and conflict with development plan policies.

The Inspector also agreed with the Council that allowing the appeal would make it more difficult to resist further planning applications where the accumulative effect of extensions bridging the gaps between individual houses on the estate would exacerbate the harm described above.

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Location: 49 Whiteway Drive, Exeter EX1 3AL



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Reference No: 06/0697/03

Proposal: Loft conversion with alterations to roof to include dormer windows on rear and side elevation.

Application Decision: Delegated Refusal

Type of Appeal: Written Representations

Appeal Decision: APPEAL ALLOWED WITH CONDITIONS

Grounds:

The main issue was considered to be the effect of the roof alterations on the character and appearance of the property and its surroundings.

The Inspector accepted that extending the ridge of the existing hipped roof would significantly alter the balance and appearance of the hipped outline, a feature of these houses that was repeated along the street. However, he noted that the roof over the other half of the building had already been altered by the addition of dormers extending the ridge line in a similar manner to the proposals. The Inspector considered the proposed side dormer would return a balance to the appearance of the roof of the semi-detached pair of houses. He did not consider it would be prominent.

The Inspector considered the rear dormer would be a subordinate design feature and that there would be satisfactory integration with the design of the roof and the house as a whole. Sited at the rear of the house, views of the changes would be limited to neighbouring rear gardens where the rear dormer would help to balance the appearance of the similar dormer on the other half of the semi-detached pair.

The Inspector concluded that the proposed development would not harm the character and appearance of the building or be out of place within the street. He allowed the appeal subject to conditions relating to commencement within 3 years and the approval of materials.

Location: 131 Topsham Road, Exeter EX2 4RE



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Reference Nos: **06/0615/07 (Appeal A)**
 06/0407/03 (Appeal B)

Proposals: Appeal A: Demolitions of outbuildings and garage walls; alteration to banking and turning area to accommodate new dwelling

Appeal B: Construction of detached house and garage; revised parking and turning areas.

Application Decisions: Delegated Refusal

Type of Appeals: Written Representations

Appeal Decisions: **APPEALS DISMISSED**

Grounds:

The appeal property is a Grade II listed building. The Inspector agreed with the Council that the new dwelling would be seen as unduly constrained within the site and uncomfortable in relation to its neighbours in respect of its mass, proportions and detailed design. He considered that the driveway/parking space in front of the garage to No. 133 would be of limited width and that its use could present some difficulties in practice, as well as requiring vehicular movement close to habitable room windows of the new dwelling. He thought these access/parking/manoeuvring arrangements would add to the appearance of a cramped development.

The Inspector also agreed that the loss of the existing planting at the site and the limited opportunity for any effective new planting to soften the visual effect of the redevelopment would be harmful to the street scene and the setting of the listed building. He also considered the loss of the existing outbuilding and walled yard, which contribute to the interest and setting of the main building, would be regrettable.

The Inspector concluded that the adverse impact of the proposals on the character, setting and special interest of the listed building and on the street scene would not be acceptable and would conflict with development plan policies.

APPEALS LODGED

Application	Proposal	Start date	Received date
06/1714/03 82 Barley Farm Road, Exeter, EX4 1NW	Attached two-storey dwelling, parking and associated works.	15/12/06	18/12/06
06/1575/03 2 Fairfield Road, Exeter, EX2 8UE	Attached three-storey dwelling, two garages at lower ground level, altered access to highway and associated works.	18/12/06	22/12/06
06/1688 River Court, Pines Hill, Exeter, EX2 5JL	Two storey extension on south-east elevation (363 sq.m.) and additional parking area.	2/01/07	3/01/07
06/1500/03 1 The Wicket, Lords Way, Exeter, EX2 5UG	Two storey side extension.	10/01/07	11/01/07

06/0887/03 23 Clyst Heath, Exeter, EX2 7TA	First floor side extension on south elevation.	11/01/07	12/01/07
06/1751/03 Rear of 37-39 Southbrook Road, Exeter, EX2 6JA	Pair of semi-detached dwellings, parking, access to highway and associated works.	11/01/07	12/01/07
06/0993/03 Land adj. 2 Blackthorn Crescent, Exeter, EX1 3HG	Detached dwelling and associated works.	15/01/07	16/01/07
06/1091/03 17 Horseguards, Exeter, EX4 4UU	Alterations to garage to provide additional accommodation.	18/01/07	22/01/07
06/1917/01 21 Venny Bridge, Exeter, EX4 8JX	Pair of semi-detached dwellings (appearance and landscaping reserved for future consideration).	19/01/07	22/01/07
06/1883/03 Exeter Acadamy, 64 Sylvan Road, Exeter. EX4 6HA	Change of use from educational (Class D1) to eight self contained flats, two storey extension and alterations to include additional windows, detached two storey building with dormer windows on front and rear elevation in south garden area to provide two self contained flats, parking, access to highway and associated works	23/01/07	24/01/07
06/0899/01 Land adj. Beech Cottage, Old Rydon Close, Exeter. EX2 7JR	Residential development to provide 30 dwellings, pedestrian and vehicular access to highway (siting, design, landscaping and external appearance reserved for future consideration).	25/01/07	26/01/07
06/2339/03 Weircliffe House, St Andrews Road, Exwick, Exeter EX4 2AF	Attached garage on north elevation and access to highway.	24/01/07	25/01/07

**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