

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 24 June 2019
Report of: City Development Manager
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions Received

- 3.1 **18/1400/FUL – Almernes, Bridge Road.** The application was submitted as a result of an enforcement case regarding the dormer constructed.

The main issues for the site were:

- a) The effect of the development on the living conditions of the occupants of 4 Locksley Close, with particular regard to privacy; and
- b) The effect of the external materials used in the development on the character and appearance of the area.

In terms of the impact on the living conditions of the occupiers of 4 Locksley Close, the Inspector noted that the proposal meets the Council's required minimum distance between habitable rooms and the windows affected serve a garage, kitchen, w/c, bathroom hallway and en-suite. Privacy was also maintained by the boundary wall. As a result of the combined distance and the intervening screening. The Inspector concluded that there was no exceptional circumstances to require a greater separation distance.

In response to the concerns raised that the flat roof may be used as a balcony area, the inspector has imposed a planning condition to prohibit the use of the flat roof as an amenity area. The Inspector notes that the proposal will not result in a harmful loss of privacy to the occupants of 4 Locksley Close.

The dormer and single storey extension have been clad in composite cladding, which does not match the original external materials of the property, contrary to principle 8 of the Householder Guide to Extension Design SPD. The Inspector stated that the property was not a prominent building and the scheme was difficult to view from public vantage points. Although the dormer was slightly more viewable than the single storey extensions, a number of houses within the locality had horizontal uPVC cladding and the dormer was therefore not regarded to have a harmful impact on the appearance of the area.

Despite the conflict with Principle 8 of the SPD, the materials were not considered to be harmful to the character and appearance of the area for these reasons, it was concluded that the appeal should be allowed. A condition has also been attached to the permission to prevent the use of the flat roof of the single storey extension as an outdoor amenity area.

- 3.2 **18/0814/ADV – Unit 5, The Exebridge Centre, Cowick Street.** The application proposed a number of signs, a split decision was made granting some with advertising consent and refusing signs 7 (Red internally illuminated lettering on SE elevation) and sign 9 (Illuminated red border tubing on the roof).

The main issues for the site were:

- a) The effect of the sign on public safety, with particular regard to highway safety and the visual amenity of the area.

In terms of public safety, the red illuminated 'Pizza Hut' lettering would be prominent to drivers crossing Exe Bridges. The red illuminated tubing, although higher on the building, could potentially also cause a hazard. The Inspector refers to Planning Practice Guidance, which states that the main type of advertisements which may cause danger are those which through colour, could be mistaken for, or confused with, traffic lights and other authorised signals. The Inspector concluded that there was potential for collisions as a result of this proposal.

For these reasons, it was concluded that the appeal should be dismissed as although the signs are acceptable in terms of amenity, the proposed development would harm public safety.

- 3.3 **18/1605/FUL - Atlas House, Victoria Park Road.** The application was to construct a first floor extension over a detached garage. The first floor extension would create ancillary accommodation for the property.

The main issue for the site was:

- a) The effect of the development on the character and appearance of the St Leonard's Conservation Area.

In considering this the Inspector refers to paragraph 196 of the National Planning Policy Framework (NPPF). The existing garage is single storey, there are partial views of the building through the tree screen, but due to its low level there is a spacious feel around and above the garage when viewed from the road. The proposed extension would be visually bulky at first floor and erode some of the open character of the area, which would not assimilate into the street scene as successfully as the main house. In this way the proposal would not make a positive contribution to the character and appearance of the area.

The harm was considered to be localised and the impact on the conservation area as a whole was considered less than substantial within the meaning of paragraph 196 of the NPPF. As a private development for improved accommodation, any public benefits were considered to be of no more than limited weight and did not outweigh the harm identified.

For these reasons, it was concluded that the appeal should be dismissed as the proposed development would harm the significance of the conservation area and neither the character nor appearance of the conservation area would be preserved or enhanced.

The Inspector also attached great weight to the relevant saved policies of the Exeter Local Plan First Review in accordance with paragraph 213 of the NPPF, stating that although the Local Plan is dated, the policies are generally consistent with the NPPF in relation to this appeal.

- 3.4 **18/1692/FUL - 35A Ide Lane, Alphington.** The application was proposing to knock down the existing garage and build a two storey extension.

The main issues for the site were:

- a) The living conditions of the occupants of 35 Ide Lane, with particular regard to light and outlook; and
- b) The character and appearance of the host dwelling and the local townscape.

The Council had two reasons for refusing consent. The first related to the impact of the development on the residential amenities of existing and future occupiers of neighbouring No. 35 Ide Lane. The extension would have been approximately 3 metres away from 2 side windows on the adjacent property. The one at first floor level is the main window to the second bedroom in the property. The one at ground floor level is a secondary window to the lounge area.

The Council considered that the scheme would result in harm to the residential amenities associated with both of these rooms, particularly in respect of loss of light and outlook. The Inspector accepted the Council's conclusions. He stated that the outlook from the affected rooms at No. 35 would be "oppressive" and would result in "unacceptable living conditions". In this instance, he does not appear to have attached less weight to the fact that only a secondary window would be affected on the ground floor.

The second reason cited for refusing planning permission was that the extension had not been designed to be subservient to the original dwellinghouse and therefore by virtue of its size, massing and design, the extension was considered to be harmful to the character and appearance of the dwelling and the local townscape. The Inspector did not accept this. He observed that an existing garage and porch already extended beyond the main front building line of the property meaning the overall visual affect at ground floor level would be largely unchanged. At first floor level, he concluded that the reduced ridge height and hipped roof would provide a degree of subservience. In his judgment, the proposal would result in a more coherent design than currently existed and would be in keeping with the character and appearance of the area.

The Planning Inspectorate dismissed the appeal.

4. New Appeals

4.1 18/0920/FUL - Gipsy Hill Hotel, Gipsy Lane

Extension to existing hotel accommodation block to form 9 serviced 1 bedroom apartments following partial demolition of building and demolition of bungalow.

4.2 18/1515/FUL - 10 Branscombe Close

Additional first floor to existing bungalow.

4.3 19/0220/FUL – 143 Fore Street, Heavitree

Loft conversion including raising of roof height and rear dormer.

4.4 19/0418/FUL – Plot 3, 10 Honey Lane

Installation of 5 rooflights and amendments to window fenestration.

4.5 19/0419/FUL – Plot 2, 10 Honey Lane

Minor Alterations to existing fenestration and installation of 8 rooflights.

4.6 19/0420/FUL - Plot 1, 10 Honey Lane

Minor alterations to existing fenestration, removal of 2 rooflights and installation of 8 rooflights.

CITY DEVELOPMENT MANAGER

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 are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

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