

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 29 April 2021  
**Report of:** Director  
**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**

- 3.1 [20/0423/FUL](#) – **1 Chardstock Close**. This is an application for a rear first floor extension over conservatory to provide third bedroom.

The application site contains a two storey end of terrace dwelling house in a corner plot of a 1990s residential estate in the Hill Barton area of the city. The host property has two bedrooms, detached garage, off street parking at the front and private garden to the rear which is enclosed by a brick boundary wall. The front of the house faces the Chardstock Close cul-de-sac whereas the rear aspect and western boundary face Wilton Way. The northern boundary is adjacent to the public access point and road junction between Wilton Way and of Chardstock Close. To the south sits No.2 Chardstock Close and other adjoining terraced properties. The site is situated approximately 40m north of the roundabout connecting the surrounding housing estate to Honiton Road. The proposal sought planning consent for a first floor rear extension over the existing conservatory to provide a third bedroom.

The proposal was refused on the basis that the extension was considered unsympathetic and detrimental to the character and appearance of the host dwelling, adjoining terrace and surrounding townscape. The third reason for refusal concerned increased use intensity and adverse impact on outdoor amenity provision. The fourth referred to an adverse precedent effect a positive decision could create or lead to.

The Inspector noted that whilst the conservatory structure is not a common feature in the area and detracted from the character and appearance of the existing dwelling the proposed extension was seen as subservient and of an appropriate height, scale and position. It was not full width so the staggered arrangement of dwellings would be maintained and it was asserted that the proposal 'would complement the character and appearance of the surrounding townscape, adjoining terrace and host building'. The Inspector pointed out that design amendments were made during the assessment of the appeal with regards to the use of external materials. The Inspector agreed the cladding as originally proposed would be a 'visually discordant feature' but brickwork would 'reinforce local distinctiveness' and the overall visual impact of the current proposal would be acceptable. On a separate note it was acknowledged that the external amenity spaces of existing dwellings in the vicinity are modestly proportioned and that surrounding properties do not have permitted development rights in place. It was discussed that the Council had previously approved the rear conservatory and this was not deemed to contribute to the provision of external amenity space. Accordingly it was considered that the appeal property would provide occupiers with adequate levels of external amenity space. In response to the fourth reason for refusal it was made clear that every appeal is assessed on their individual merits because the specific characteristics of the each site and proposal, and the circumstances of each case, inevitably differ. The appeal proposal was therefore considered to create a harmful precedent effect. Lastly, the inspector shared the Council's view that despite receipt of one objection on such grounds, the proposed

scheme was not cause significant or unacceptable effects upon neighbouring residential amenity in terms of overlooking or additional noise through intensified use.

The planning appeal was allowed and planning permission was granted subject to conditions.

3.2 **20/0873/FUL - Quay Gardens, Monmouth Avenue, Topsham.** This is an application for construction of a detached 3 bedroom house with an integral garage.

The site within the Topsham Conservation Area, comprises of two grade II listed properties, Quay Gardens and Quay Gardens Barn situated within a large well landscaped garden. The two dwellings are located to the southwest corner of the site and are currently under the same ownership. The land to the north of the property comprises of a large garden serving the dwellings as well as an artist's single storey studio on the northwest boundary.

The application sought permission for the construction of a three bedroom detached dwelling, with an integral garage, located in the northern half of the site. The dwelling is proposed to be contemporary in design with a parapet and flat membrane roof with solar panels over the garage/master suite section. Two mono pitched sedum roofs at contrasting angles will sit over the living/kitchen/dining section of the dwelling. These two sections are separated by a glazed entrance link. The dwelling is proposed to be finished in a mix of brickwork, natural stone and natural cedar cladding.

Although it is considered that the principle of development at this location could be acceptable, the Council refused the development on the grounds that it would as a result of its height, scale, massing and form result in an overbearing impact that would harm to the setting of the Grade II listed Quay Gardens and Quay Gardens Barn. As such the proposal is considered contrary to Objectives 8 and 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy and Policies C1, C2, DG1 (f), (g), (h) of the Exeter Local Plan First Review and Policies DD25, DD28 of the Development Delivery DPD

The Inspector considered the main issues for the development were:

- the integrity of the European Sites; and,
- the character and appearance of the area, with reference to the Topsham Conservation Area (the CA) and the settings of the Grade II listed buildings Quay Gardens and Barn at Quay Gardens.

Firstly considering the impact on the European sites. The Conservation of Habitats and Species Regulations 2017 require the City Council to ensure that the impacts of development on the protected habitats are mitigated. Consent cannot legally be granted for a development that would either alone or in combination with other developments, have a likely significant effect on a European wildlife site, unless full mitigation is provided. The Inspector agreed that the increased residential use would impact the European wildlife sites. Within the appeal decision, the Inspector states that the impact on the European sites could be mitigated through a financial contribution made pursuant to the South-east Devon European Mitigation Strategy. In this instance the contribution had not been secured through a S111 agreement and therefore there was no clear mitigation against the impacts on the European wildlife sites, which would be contrary to Policy CP16 of the Core Strategy.

In considering the impacts of the development on the character and appearance of the area, including the listed buildings and conservation area, the Inspector concluded the development would have an acceptable level of harm.

The Inspector considered the generous space around the listed building to be well enclosed from the public realm. The listed building and conservation area was acknowledged to draw some significance from this space. However, on entering the site the Inspector considered the eye would be drawn to the listed building and the space immediately before them and as such the appeal site would have a negligible role in their setting. The proposed dwelling would maintain adequate visual separation from the listed buildings and the contemporary approach allowed it to be clearly read as a modern addition to the conservation area.

On considering the proposal, the Inspector considered that the contribution of the dwelling to the housing delivery to the area would not outweigh the harm to the European sites and without the mitigation required, the appeal was dismissed.

#### **4. New Appeals**

##### **4.1 [20/0708/FUL](#) – 22 Ridgeway, Exeter**

Construction of 2 storey 3 bedroom dwelling with parking, landscaping and associated alterations.

**Bindu Arjoon**  
Director

#### **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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