

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 6 September 2021
Report of: City Development Strategic Lead
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 [20/1032/OUT](#) - **Land at Chancel Lane, Exeter**- Outline planning application for 5 dwellings (*All matters reserved except for means of access*).

The Inspector considered the two main issues were the effect of the proposal on the character and appearance of the area, having particular regard to the density of development, parking and turning, and opportunities to landscape the site, and secondly whether the proposed development would create acceptable living conditions for future occupiers, having particular regard to the quantity and quality of private amenity space, including the provision of ancillary storage space.

The Inspector noted that outline planning permission has been granted for three dwellings on the site and this included agreement to the position and width of the vehicular access from Chancel Lane.

In response to the first issue the Inspector considered that the ramped access, the extent of parking and turning areas shown on the illustrative plan would be an overly dominant component of the development of the site. Limited space would be provided in the vicinity of the dwellings for landscaping to soften the impact of the hard surfaces. Even with attractive surfacing materials, the scheme would form an overly intensive development that would not appear as a positive addition to the site. Such a scheme would thereby detract from the appearance of the area even taking into account the mixed character and density of the surroundings.

Outline permission has been granted for three dwellings. This scheme, while it is likely to have some similar features and layout to any scheme for five dwellings also appears, from the illustrative plan, would be less dominated by hard surfaces and buildings and that there would be more opportunity for landscaping to soften the impact of the proposal. The three dwelling scheme is a realistic fallback option and would be preferable, in terms of the impact on the character and appearance of the area, to the appeal scheme.

The Inspector concluded that the evidence and constraints on the site does not satisfy him that the details at the reserved matters stage would be able to demonstrate an acceptable scheme for five dwellings could be accommodated without harm to the character and appearance of the area. In particular, this is because of the density of the development that would likely lead to a layout dominated by hard surfaces and buildings and correspondingly

would be liable to have insufficient space to provide suitable soft landscaping around these parts of the site. Accordingly, the development has not been demonstrated that it would be able to comply with Policies DG1 and DG4 of the Exeter Local Plan First Review (the Local Plan), Policy CP17 of the Exeter Core Strategy and the Framework which seek, amongst other things, that development be at the maximum feasible density taking into account site constraints and impact on the local area.

In relation to the second issue, he noted that Policy DG4 of the Local Plan seeks residential development to ensure a quality of amenity space which allows residents to feel at ease within their homes and gardens. The supporting text explains that private garden space may vary in size but should not normally be smaller than 55sqm and in considering the garden size the orientation and scale of buildings will be taken into account. This is reinforced by the advice in the Residential Design SPD.

Whilst the Inspector was conscious that the layout is a reserved matter he was not convinced that sufficient space existed to creating a layout with satisfactory and policy compliant living conditions for future residents. He considered that the need to provide car parking and turning to the appropriate standards and the probable position of the dwellings, would be liable to result in other parts of the site being limited in size. As a consequence, it is probable that this would not enable the provision of private garden spaces to all the units to be to an acceptable standard.

He noted that there would be economic and social benefits to the area during construction and in subsequent occupation. This windfall housing site would make efficient use of the land. The scheme could be delivered by a small or medium sized builder and add to the mix of housing in the area. However, as only five dwellings would be provided, and this would be two additional dwellings over the alternative fallback position, the cumulative benefits of the proposal merit only limited weight.

The Inspector concluded that the collective harm identified and the associated development plan conflict, are matters that he attributed substantial weight. It follows that the harm would not be outweighed by the benefits of the scheme and therefore conclude that the appeal should be dismissed.

3.2 **20/0708/FUL - 22 Ridgeway, Exeter** - Construction of two storey, three bedroom dwelling with parking, landscaping and associated alterations.

This is a small red brick and render bungalow of simple understated post-war era design that occupies a corner position. The application site is part of the existing garden area and extends across the northern part of the plot. It has an irregular but roughly triangular shape which is inconsistent with all other plots in the street and surrounding area. The site currently contains a driveway, small detached garage, grassed lawns and hedging serving the existing property.

Full planning permission was sought to construct a more contemporary two storey rendered house with four gables and higher eaves to existing properties. It was proposed as a three bedroom house, the footprint area was similar in size to No.22 but the rear garden area and plot ratio would be wildly disproportionate to other properties in the area.

An outline application was initially submitted in April 2020 and the Council advised from the outset that the site is considered unsuitable for this type and scale of development, and that the proposal for a new dwelling here would be unsupportable in principle. This application was withdrawn and a full application was subsequently submitted in June 2020.

The proposal was strongly opposed by local residents – the key concerns raised were overdevelopment, inappropriate design and loss of privacy. The Council refused consent.

The main issues in the appeal were considered to be the impacts upon (1) the character and appearance of the area, (2) the quality of accommodation and living conditions for prospective occupants with regard to outlook and private outdoor amenity space, and (3) the living conditions of occupants in neighbouring dwellings with respect to outlook and privacy.

- 1) The Inspector agreed Ridgeway conveys uniformity in design and a distinctive character. The front gable proposed was noted to protrude out in front of the natural building line in the road and be an uncharacteristic addition harmful to the character of the area. Similarly, the asymmetric shape, higher eaves and truncated south-east facing gable were deemed to render the dwelling an incongruous addition to the street scene. The rendered finish was considered incoherent with surrounding properties and to draw more attention to other inconsistencies in its appearance. The inspector considered the dwelling design to be contrived and contrary to Objective 9 and Policies CP4 and CP17 of the Core Strategy and Policy DG1 of the Local Plan First Review.
- 2) The inspector agreed the proposal would not provide sufficient private outdoor amenity space in accordance with the Residential Design Guide SPD. The front garden would not be private and the rear would be limited in size and overlooked by Nos. 20 and 22.
The inspector took a differing nuanced view on the issue of inadequate outlook from the master bedroom noting it would be well served by natural light and ventilation in all four directions, allow skyward views and would only likely be used for short periods during the day. It was concluded that the proposal would provide an acceptable level of outlook within the property.
The inadequate external amenity space however means the proposed scheme conflicts with Objective 3 and Policy DG4.
- 3) The proposed scheme was argued not to harm the privacy of No.20 despite the proximity and inter-visibility between the existing side dormer and the proposed rear garden. It was deemed to inflict a degree of overlooking of No.22 but the inspector noted this could be overcome by a condition to obscure-glaze the lower level roof light. Consequently, it was not agreed that the proposal has an overbearing impact upon neighbouring properties in this case.

Given the Council's current lack of a five year housing land supply the presumption in favour of sustainable development was applied (para. 11 d.ii of the NPPF). It was noted that only limited social and economic benefits would be brought about by the proposed development and although the site is sustainably located the provision of a single additional unit would make little difference to local housing supply.

Accordingly it was concluded that the identified harms would significantly and demonstrably outweigh the benefits

3.3 [21/0180/FUL](#) – 70 Barley Lane, Exeter - Construction of a two storey side extension.

This is an end of terrace property located on the corner of Barley Lane and Barley Farm Road, in upper St Thomas.

The application was refused on the basis that the extension was not considered subservient to the dwelling, and would be detrimental to the character and appearance of the surrounding townscape as a result of the partial loss of an important open corner.

While the Inspector noted open plan boundaries within the area, dense vegetation and hedgerow lines gardens, they did not consider the wider area to feel particularly spacious. The Inspector considered the extension would be quite a large addition to 70 Barley Lane, and would not maintain subservience towards it. However, given that the property forms part of a terrace, the overall linear form of the building would be retained. Adequate space and soft landscaping along the southern boundary would ensure that the open character of the street would be maintained. While the size and height of the extension would conflict with the guidance within the Council's Householder's Guide to Extension Design SPD, given the absence of harm to the character and appearance of the area in this case, the proposal's conflict with the SPD was given limited weight in the Inspector's assessment.

In conclusion, the Inspector found the proposal would have an acceptable effect on the character and appearance of the area. The application was approved subject to conditions on time, drawings and matching materials

4. New Appeals

- 4.1 [19/1415/FUL](#) - **Land adjacent to 64 Danes Road** - Construction of 3 bedroom house in a style consistent with existing terrace.
- 4.2 [20/1412/FUL](#) - **13 Masefield Road** - Construction of a dwellinghouse.
- 4.3 [21/0393/FUL](#) - **17 Norwich Road** - Two storey side extension.
- 4.4 [21/0599/TEL](#) - **Land next to Unit 6 Exebridge Centre, Cowick Street** - Proposed 5G 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.

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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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