

**REPORT TO: PLANNING COMMITTEE**  
**Date of Meeting: 15<sup>th</sup> January, 2024**  
**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 (05/12/2023).

**2. Recommendation:**

2.1 Members are asked to note the report.

**3. Appeal Decisions**

3.1 [22/1177/FUL](#) **Land Adjacent to Gras Lawn and Fleming Way.** *Construction of two 1-bedroom, two-person dwellings with external space, landscaping and associated works.*

The appeal was allowed with costs

*[ summary to follow ]*

[Reference: APP/Y1110/W/23/3320777 \(planninginspectorate.gov.uk\)](#)

3.2 [22/1662/FUL](#) **15 Eton Walk, St Thomas, EX4 1FD** *Construction of single garage.*

The appeal site is one in a row of terraced dwellings located in a modern residential suburb of Exeter. To the rear of the property there is a car port that is shared with the neighbouring property, No 16. The application was submitted concurrently with a similar proposal at the adjoining property at no.16, and it was intended that the two garages should adjoin. The other terraced dwellings also have car ports that are shared between two properties.

The Inspector highlighted the main issues to be:

- (i) The effect of the proposed development on the character and appearance of the area
- (ii) The effect on the living conditions of the occupiers of neighbouring properties

The Inspector noted the proposal would be a substantial structure and more bulky and visually dominating than the existing car port. It would also interrupt the rhythm of the layout of the car ports to the rear of the dwellings that form a key part of the street scene, and the prevailing openness of this section of Eton Walk

would be eroded. As such the proposed development would be detrimental to the character and appearance of the area.

The Inspector also noted that the gardens to these properties are not overly spacious and the proposed car port, in isolation (i.e considered separately from the proposed adjoining garage for no. 16) would form a visually dominant mass in close proximity to the garden of no. 16. It would reduce outlook from no. 16 and cause unacceptable harm to the living conditions of the occupiers of that property.

He considered that a condition to ensure that both garages were constructed simultaneously would not be reasonable or enforceable.

Consequently, the appeal has been dismissed.

For the Decision, see:

[Reference: APP/Y1110/D/23/3324413 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3324413)

3.3 [22/1663/FUL](#) **16 Eton Walk, St Thomas, EX4 1FD** *Construction of a single garage.*

The appeal site is one in a row of terraced dwellings located in a modern residential suburb of Exeter. To the rear of the property there is a car port that is shared with the neighbouring property, No 15. The application was submitted concurrently with a similar proposal at the adjoining property at no.15, and it was intended that the two garages should adjoin. The other terraced dwellings also have car ports that are shared between two properties.

The Inspector highlighted the main issues to be:

- (i) The effect of the proposed development on the character and appearance of the area
- (ii) The effect on the living conditions of the occupiers of neighbouring properties

The Inspector noted the proposal would be a substantial structure and more bulky and visually dominating than the existing car port. It would also interrupt the rhythm of the layout of the car ports to the rear of the dwellings that form a key part of the street scene, and the prevailing openness of this section of Eton Walk would be eroded. As such the proposed development would be detrimental to the character and appearance of the area.

The Inspector also noted that the gardens to these properties are not overly spacious and the proposed car port, in isolation (i.e considered separately from the proposed adjoining garage for no. 15) would form a visually dominant mass in close proximity to the boundary of the appeal site with 17 Eton Walk (No 17) and it would form a visually dominant mass in close proximity to the garden of No 17. Due to its solid built form, as opposed to the existing open car port, the proposal would be considerably more overbearing when viewed from the garden of No 17 and dominate that garden space. As such, it would reduce outlook from No 17.

He considered that a condition to ensure that both garages were constructed simultaneously would not be reasonable or enforceable.

Consequently, the appeal has been dismissed.

For the decision, see:

[Reference: APP/Y1110/D/23/3324412 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3324412)

- 3.4 [23/0438/FUL](#) **95 St Katherine's Road, Mincinglake.** *Construction of rear dormer and retention of cladding to bay window (Retrospective Application).*

The appeal was dismissed.

*[ summary to follow ]*

[Reference: APP/Y1110/D/23/3326666 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3326666)

#### 4. New Appeals

- 4.1 [22/0944/FUL](#) **11 Friars Walk.** *Removal of existing double garage and construction of single storey, 1-bed unit with ancillary landscaping.*

[Reference: APP/Y1110/W/23/3330612 \(planninginspectorate.gov.uk\)](#)

- 4.2 [22/1404/FUL](#) **Trees Court Studio, Victoria Road, Topsham.** *Proposed change of use from window-to-window and external door.*

[Reference: APP/Y1110/W/23/3324304 \(planninginspectorate.gov.uk\)](#)

- 4.3 [23/0724/FUL](#) **79 Southbrook Road, Priory.** *Bike shed on the front driveway, measuring 3x1.5m and height of 1.7m.*

[Reference: APP/Y1110/D/23/3327567 \(planninginspectorate.gov.uk\)](#)

- 4.4 [23/0847/FUL](#) **5 High Croft, Duryard.** *Replacement of two existing clear glazed Velux windows by a dormer window with obscure glazing up to 1.7m above the floor, and having openable escape windows no more than 1.1m above the floor as required by Exeter City Council's Building Control Department. Significant upgrades to the insulation of the affected room. Replacement of a ceiling affected by bomb damage in February 2021.*

[Reference: APP/Y1110/D/23/3334293 \(planninginspectorate.gov.uk\)](#)

Ian Collinson  
**Director of 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 are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Tel: 01392 265275