

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 25th March, 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 (16/01/2024).

2. Recommendation:

2.1 Members are asked to note the report.

3. Appeal Decisions

3.1 [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*

Planning Inspectorate decision issued: 26th February, 2024

Appeal Allowed with Conditions

The appeal site is a detached dwelling located on a well treed, steep hillside towards the outskirts of the city. The property has an asymmetrical roof, originally with rooflights in the south west facing slope. These were replaced with a large dormer window, to which there were neighbour objections. The application was refused on the grounds that the dormer was highly dominant and an incongruous feature in the streetscape.

The Inspector highlighted the main issues to be:

- (i) The effect of the development on the character and appearance of the house itself and the surrounding area
- (ii) The effect on the living conditions of the occupiers of neighbouring properties with specific reference to privacy and visual impact

The Inspector did not consider the dormer structure was too large or out of scale in relation to the host property or be highly dominating when viewed from the road and does not harm the character and appearance of the host property and its surroundings.

The Inspector also noted that the dormer, while clearly seen from the neighbouring house would not disproportionately increase the scale or mass of the roof and would not result in material loss of privacy or cause unacceptable visual impact.

Consequently, the appeal has been allowed, with the following conditions:

The lower windows of the dormer should remain obscurely glazed
The dormer's lower openable windows should always remain closed.

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

- 3.2 **[23/0533/FUL](#) Stoneycombe, Matford Road, Alphington.** *Removal of existing rusted metal fence and sparse laurel hedge, replacement with facing brick wall and pillars with timber fencing between.*

Planning Inspectorate decision issued: 15th February, 2024

Appeal Dismissed

The appeal was made against a refusal to grant planning permission for a 2260mm high brick boundary wall with timber fence infills and new pedestrian gate at the above address. The property is around 10 years old and occupies a corner plot (between Matford Road and Matford Avenue) in the St Leonards Conservation Area.

The main issue was the effect of the proposal on the character and appearance of the locality.

The Inspector found the proposed boundary treatment to be too tall, out of scale, awkward and dominant compared to typical boundary treatments in the area. It would appear jarring and incongruous, diminishing the visual qualities of the street scene.

The Inspector concluded there would be harm to the character and appearance of the Conservation Area, conflicting with planning policies seeking to preserve or enhance Conservation Areas, most notably Policy C1. The development proposal would cause 'less than substantial' harm to a designated heritage asset, namely the conservation area and this harm would not be outweighed by whatever public benefits that would derive from the development proposed. *"Furthermore, there are no other benefits, including to the Appellants, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified."*

For the Decision, see .

[Reference: APP/Y1110/D/23/3334372 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

- 3.3 **[23/0515/FUL](#) 20 Bonhay Road, St David's.** *Loft conversion with dormer and external access stairs.* **Planning Inspectorate decision issued:** 28th February, 2024.

Appeal Dismissed

A householder appeal at 20 Bonhay Road has been dismissed.

The appeal site is one of a pair of semi-detached houses, opposite the Mill on the Exe. To the rear of the property is a steep escarpment. The application for a loft conversion with rear dormer and external staircase was refused due to the impact on neighbours, and would be an unsympathetic addition to the building and conservation area.

The inspector concluded any overlooking would be minimal and would not have an adverse impact on neighbours.

The Inspector noted some dormers in the wider area, and considered the dormers would not look out of place within the locality, would not dominate the rear roof-slope, and any views of them from the street scene would be extremely limited. Due to their close proximity to the treed escarpment which would dominate the proposed dormers and external access, the relationship between them would appear cramped. The proposed steps would reduce the small yard area to the side of the dwelling, which already offers limited amenity value due to its modest size and its enclosed and overshadowed environment. As a result of these factors the proposal would result in the property appearing over-developed and having a cramped relationship with the embankment. It would detract from the character and appearance of the host dwelling and the character, appearance and significance of the St David's Conservation Area. The proposal would unacceptably harm the character and appearance of the host dwelling and would fail to preserve or enhance the character and appearance of the St David's Conservation Area. The less than substantial harm the proposal would cause to the significance of the Conservation Area would not be outweighed by any public benefits.

[Reference: APP/Y1110/D/23/3336113 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

- 3.4 **[22/1382/FUL](#) Pavement Outside 250 High Street, Exeter. *Installation of a multifunction Hub unit, 2.6m in height, with integral advertisement display and defibrillator.* **Planning Inspectorate decision issued: 7th March, 2024.****

Appeal Dismissed (x 2)

A planning application and advertisement consent for a free standing multifunction hub unit with advertising displays and defibrillator was refused by the Council. This was because the units, both individually and in combination with the other units proposed, were considered an incongruous and unduly prominent addition to the street scene, resulting in harmful street clutter, which would be detrimental to visual amenity and the character and the appearance of the local townscape including the central conservation area. A number of similar applications have already been refused and dismissed at appeal.

The Inspector said: An acceptable and pleasant visual balance has been struck in the provision of good quality street furniture in this part of the High Street to make it appear as a welcoming place for the people it serves. I share the Council's view that in view of its height and position the unit would stand out conspicuously and incongruously in the chosen location, leading to an unacceptable cluttering in the street scene. It follows for largely the same reason that the large advertisement display would harm local visual amenity.

The harm to the local street scene would prove significant while that caused to the Conservation Area as a whole would be less than substantial. However, some harm would arise and this would result in the statutory test for development in conservation areas being failed, that is, neither the character or the appearance of the Conservation Area would be preserved or enhanced. I acknowledge the public benefits brought by the hub, but these do not outweigh the harm I have found, particularly when, according to the Council and others, provision for defibrillators is made elsewhere in the City Centre.

[Reference: APP/Y1110/W/23/3318418 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

- 3.5 **[21/1506/TPO](#) 2 Two Acre Court, Alphington. T1 - Oak - Reduction of the overall crown size by 50% - Height to be reduced by 5 metres (max diameter cut size of 6 inches) - 2-3 metres removed from lateral branches, leaving a balanced, compact form. Max diameter cut size of 4 inches. Where possible, 3rd order material to be remove, but some larger cuts up to 4 inches in primary/secondary branches may be required. **Planning Inspectorate decision issued:** 4th March, 2024.**

Appeal Dismissed

For the Decision:

[Contact: Joe Morshead, Trees Officer.](#)

4. New Appeals

- 4.1 **[23/0280/PDCD](#) Existing Garage / Workshop, Store B1/8 Building, Adjacent to Pocombe Orchard Prior approval for the conversion of the existing workshop (B1/8 use) to a one bed one person dwelling. **Start Date:** 20th February, 2024.**

[Reference: APP/Y1110/W/23/3332294 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

- 4.2 **[23/1285/LED](#) 92 Latimer Road, Mincinglake. Certificate of lawfulness sought for construction of existing box dormer roof extension with rendered finish. **Start Date:** 12th March, 2024.**

[Reference: APP/Y1110/X/24/3339762 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)

- 4.3 **[23/1404/FUL](#) 15 South Avenue, Heavitree. Retain timber rear deck. **Start Date:** 11th March, 2024.**

[Reference: APP/Y1110/D/24/3338316 \(planninginspectorate.gov.uk\)](https://www.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