

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 16th December, 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 (26/09/2024).

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions

- 3.1 [22/1404/FUL](#) **Trees Court Studio, Victoria Road, Topsham.** *Proposed change from window to window and external door.*

[22/1405/LBC](#) **Trees Court Studio, Victoria Road, Topsham.** *Proposed change from window to window and external door.*

Planning Inspectorate Decisions Issued: 10th October, 2024

Appeal Dismissed.

These applications had been refused based on the applications being contrary to Local Plan policies C1 and C2 as the existing windows formed part of the Historic England listing, with no evidence being provided that a door had ever been there. The change would also have seen the loss of historical shutters, and no evidence was submitted on how the services such as the phone line would have been relocated.

The Planning Inspector assessed that the main issues for both appeals were the potential harm to the heritage of the listed building and whether any public benefit would outweigh such harm.

On analysis the Inspector did not agree with the appellant's argument for the justification of such a proposed change and therefore found harm would occur to the heritage asset which would not be outweighed by any public benefit. Thus, the proposal would fail to preserve the special features of the listed building and would detract from the character and appearance of the Topsham Conservation Area. Both appeals were dismissed.

For the Decision Notices, see:

[Reference: APP/Y1110/Y/23/3324303 \(planninginspectorate.gov.uk\)](#)
[Reference: APP/Y1110/W/23/3324304 \(planninginspectorate.gov.uk\)](#)

- 3.2 [23/1159/FUL](#) **57 Whiteway Drive, Heavitree.** *Hip to gable and rear dormer roof extensions (Retrospective Application).* **Planning Inspectorate Decisions Issued:** 15th October, 2024

Appeal Dismissed.

For the Decision Notices, see:

Reference: [APP/Y1110/D/24/3345324 \(planninginspectorate.gov.uk\)](#)

- 3.3 [23/0652/FUL](#) **70 Pennsylvania Road.** *Two storey building containing purpose-built student accommodation comprising 6 bedrooms* **Planning Inspectorate Decision Issued:** 24th October, 2024

Appeal Dismissed.

70 Pennsylvania Road is a three storey Edwardian terraced house in the Longbrook Conservation Area. It is subdivided into a basement flat and a House in Multiple Occupation (HMO) for up to 17 residents. This application sought to add a detached two storey building in the rear garden for Purpose-Built Student Accommodation (PBSA) comprising 6 bedrooms. The submission put forward two key arguments in favour of the development – that the Council was failing to meet its targets on the provision of student housing and that the building was similar to a previously approved scheme on an adjacent site (known as Kilmore Mews).

The Council refused planning permission on numerous grounds, relating to the impact on the conservation area, community balance, amenity and design. Overall, it considered the scheme to be an overdevelopment of the site. The Inspector addressed these matters as follow:-

- i) Impact on conservation area and design – The Inspector noted that aside from Kilmore Mews, which had replaced earlier structures that did not make a positive contribution to the conservation area, there were no detached separate buildings in the locality of the scale proposed here. Consequently, the proposed positioning and density of development was considered uncharacteristic of the immediate area. The building's design ("flat roof form, considerable areas of unrelieved elevations, use of oriel windows, zinc materials and lack of rich architectural detailing" Paragraph 13), was also not reflective of the established character of the area. The Inspector therefore agreed that the development was poorly designed and would be harmful to the character and appearance of the Longbrook Conservation Area.
- ii) Community balance – The Inspector noted that the Council was not achieving its target of ensuring that at least 75% of the increase in student numbers were accommodated in PBSA. Therefore, it was accepted that there was a need for more PBSA. However, this need had to be weighed against other plan policies (including Policy C3 of the St James Neighbourhood Plan), which sought to avoid an overconcentration of student accommodation that harmed the balance of the local community. Taking into account the number of students residing in Kilmore Hall and Kilmore Mews (96) and 70 Pennsylvania Road itself (17), the number of council tax exempt properties in Edgerton Park Road owing to student

occupation (85%) and various other factors, the Inspector concluded that there was “no doubt that the immediate area around the appeal site ... already contains an imbalance in the community weighted towards students” (Paragraph 22). It was considered that this matter outweighed any benefit from the provision of further student accommodation.

- iii) Amenity – The Inspector agreed with the Council that the development “would dominate and have an overbearing effect on the outlook from the rear of No.70 and from the rear elevation and garden of No.68” (Paragraph 26). However, the Inspector did not agree with all of the concerns raised by the Council in respect of the living conditions offered to future occupiers of the proposed building. It was considered that there would be sufficient external amenity space and bin storage provision. Also, the lounge, dining and kitchen areas being fitted wholly with obscure glazed windows was not a concern – because “this room would also benefit from the presence of a roof light providing some unrestricted upward outlook” (Paragraph 32). The Inspector did, however, state that the scheme failed to demonstrate how it could accommodate sufficient bicycle storage and that this therefore could not be dealt with by a condition on any approval.

In dismissing the appeal, the Inspector agreed that the proposal represented an overdevelopment of the site.

For the Decision Notices, see:

Reference: [APP/Y1110/W/24/3344914 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/w/24/3344914)

[23/0589/FUL](#) Fernleigh Nurseries, Ludwell Lane, St Loyes. *Conversion of existing nursery buildings/garage to single dwelling.* **Planning Inspectorate Decision**
Issued: 24th October, 2024

Appeal Dismissed.

The application site is within the Ludwell Valley Park and is part of an area of land that was formerly a nursery. There are a small number of buildings, including four dwellings, on the land closest to Ludwell Lane. The rest is mainly open green land. The Valley Park is identified in the Exeter Local Plan as ‘Landscape Setting’ and Saved Policy LS1 broadly seeks to steer residential development away from such areas, though conversions of existing buildings can be accepted if they do not harm the landscape setting of the city.

This application proposed the conversion of a single storey garage and attached store building. It was the third in a series of applications that sought a residential conversion here. The previous two applications were refused in May 2021 (Ref. 20/1678/FUL) and January 2022 (Ref. 21/1666/FUL). An appeal against the latter decision was dismissed by the Planning Inspectorate in November 2022. The first two schemes had proposed extensions to the existing building to give it a more residential appearance and character. However, both the Council and the Planning Inspector had identified that the proposed extensions represented an unacceptable encroachment of urban form into the rural character of this area. Therefore, this third application proposed no extensions to the building.

The Council refused planning permission for the scheme in December 2023. Its main concern was that the existing building represented a poor design for a dwelling and fell far short of the high standards required by local and national planning policies. In formalising, and giving a higher status to, this unattractive and unremarkable nursery outbuilding into a poorly designed dwelling, it was considered that there would be harm to the character and quality of the local environment and, more particularly, to the Ludwell Valley Park. The additional residential paraphernalia, such as parking areas and fencing, would also exacerbate the overall sense of urban form in a rural location.

The Planning Inspector agreed and drew particular attention to a range of landscaping “oddities” (i.e. hardstandings and boundary treatments) that would create an “overtly domestic arrangement” in a rural setting, especially given the position of the proposed dwelling in a fairly central position within a wider open field. The Inspector stated:-

“The proposed changes in this location would be clearly visible from the high ground to the south and intermittently when descending the footpath to the east of the appeal site. From these wider public vantage points the uncommon arrangement of this development would appear discordant and in turn visually intrusive. Moreover, with a domestic aesthetic the development would be seen as a harmful erosion of the existing rural character.” (Paragraph 12)

The Inspector acknowledged that the alterations to the existing building were limited but concluded as follows:-

“Even with attempts to limit windows and openings, the arrangement of fenestration at the rear of the dwelling would be clearly domestic and combined with the other changes at the site outlined above, this new residential unit would significantly disrupt the prevailing rural appearance of this site.” (Paragraph 15)

For these reasons, the Inspector dismissed the appeal.

For the Decision Notices, see:

Reference: [APP/Y1110/W/24/3337298 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/w/24/3337298)

- 3.5 [24/0248/FUL](#) **11 Woodland Road, Pinhoe.** *New roof to garage with increase in ridge height and pitch.* **Planning Inspectorate Decision Issued:** 26th November, 2024

Appeal Allowed with Conditions.

Please find attached the appeal decision notice with regards to a refusal at 11 Woodland Road, 24/0248/FUL. The application sought permission to raise the ridge height of the existing double garage to allow for a storage and ancillary room to be located on the first floor. The height would increase from approximately 4.8m to 6.3m, with the incorporation of two velux style rooflights on the north facing side roof elevation and three on the other side of the pitched roof, and a large obscure glazed window on the principal elevation. The external materials would be as existing.

I refused this and the previous application as it was considered that to raise the roof height of the existing garage by approximately 1.5m, would create a building that is

out of character with the surrounding area, would not be in keeping with other ancillary outbuildings and therefore contrary to the existing urban grain. It was further considered that by increasing the height of the proposed garage/outbuilding to approximately 6.3m this would result in an outbuilding that due to its size and massing would be more akin to that of a dwelling, becoming another dominant not subservient built form within the application site. The proposed increase in height despite any use of obscure glazing would be considered to negatively impact the visual amenity of existing and future neighbours especially to the rear. It is further considered that the increase in height would create overshadowing to the neighbouring garden to the rear. This consideration is in line with Local Plan policy DG4 (b) which requires development to ensure a quality of amenity which would allow neighbours to feel at ease in their homes and garden. It is believed the current proposals would create an overbearing addition to the rear of the properties on Woodland Road and the new dwelling at The Meadows, Hollow Lane, which would prevent residents from feeling at ease within their homes and gardens. In the Council's Householders Guide to Extension Design SPD, Chapter 5 on detached garages and outbuildings, states outbuildings/garages should be confined to single storey, so they are clearly subservient. This proposal would see a first-floor useable space and therefore is contrary to the SPD.

However, the Inspector considered that;

- as the garage is to the rear of the property down a long driveway it is not highly visible from the road and as such it does not stand out within the street scene. Even with the increase in height the building would remain subservient to the main house.
- Within both close and distant views the garage would be seen within the context of the existing house and the dwelling being constructed adjacent, which is significantly taller. This property also has a garage with first floor accommodation providing an example of a larger garage in the area.
- Although the extended building would have accommodation at first floor level the doors mean that it retains its appearance as a garage and an ancillary building. The guidance within the Householder's Guide to Extension Design states that garage should be single storey and whilst this is a useful guide, in this instance the context of the resultant building does not overall have a harmful visual impact.
- Overall, the scale and design of the extended garage would be subservient to the main house and although larger than some other garages in the area would not be highly visible within the street scene. It would therefore not harm the character and appearance of the area, complying with Policies DG1 and DG4 of the Exeter Local Plan First Review (March 2005) and Policy CP17 of the Exeter City Council Core Strategy (2012) which require, among other things, development to respect patterns, be appropriate in terms of height and promote local distinctiveness. Furthermore, there is no conflict with Objectives 8 and 9 of the Core Strategy.

Taking the above into consideration the Inspector allowed the appeal subject to standard conditions.

[Reference: APP/Y1110/D/24/3343761 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/24/3343761)

4. New Appeals

- 4.1 [24/0569/FUL](#) & [24/0570/LBC](#) **5 Lower Shapter Street, Topsham.** *Demolition of existing low front boundary wall, convert the front area to cobbling for off street parking and the installation of an electric car charging point.* **Start Date:** 18th October, 2024.

For case details, see:

[Reference: APP/Y1110/W/24/3351437 \(planninginspectorate.gov.uk\)](#)

[Reference: APP/Y1110/Y/24/3351436 \(planninginspectorate.gov.uk\)](#)

- 4.2 [24/0645/FUL](#) **17 Ashford Road, Topsham.** *Demolition of existing garage, store and conservatory, construction of a side extension, dormer, alterations and enlarged driveway* **Start Date:** 25th November, 2024.

For case details, see:

[Reference: APP/Y1110/D/24/3355083 \(planninginspectorate.gov.uk\)](#)

- 4.3 [23/1395/FUL](#) **Sydenham House, Blackboy Road.** *Demolition of 5no garages and hardstanding and construction of 2no semi-detached 2 bed dwellings (C3 Use Class).* **Start Date:** 27th November, 2024.

[Reference: APP/Y1110/W/24/3355392 \(planninginspectorate.gov.uk\)](#)

- 4.4 [24/0359/FUL](#) **170 Pennsylvania Road, Pennsylvania.** *Use of outbuilding as an annex for existing small HMO (Use Class C4)* **Start Date:** 3rd December, 2024.

For case details, see:

[Reference: APP/Y1110/W/24/3355233 \(planninginspectorate.gov.uk\)](#)

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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

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