
Appeal Decision

Site visit made on 7 February 2017

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017.

Appeal Ref: APP/Y1110/W/16/3158540

4 Archibald Road, Exeter, EX1 1SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Shaun Goff against the decision of Exeter City Council.
 - The application Ref 16/07/45/03, dated 13 June 2016, was refused by notice dated 15 August 2016.
 - The development proposed is installation of front light well window.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the dwelling and the streetscene; and on the living conditions of neighbouring occupiers, with particular reference to bin storage.

Reasons

3. The appeal property is a mid-terraced house in multiple occupation (HMO) in central Exeter. The proposed light well would occupy a significant part of the narrow front garden. It would not, however, be an intrusive element in the streetscene, being largely concealed from most public views by the existing brick front boundary wall.
4. I therefore conclude on the first main issue that the proposal would not harm the character and appearance of the appeal property or the streetscene. As such, it would not be contrary to either the design requirements in core principle 17 [4] and section 7 of *the Framework*¹, or policies DG1 and 4 of the Exeter Local Plan First Review 1995-2011.
5. Turning to impact on the living conditions of neighbouring occupiers, the light well would reduce the constricted front area for bin storage by a considerable margin. I agree with the Council that the space left over beyond any barrier around the light well would be inadequate to satisfactorily store rubbish bins. Although the Appellant's drawings show four bins stationed in the front garden clear of the light well, this does not appear to take account of any barrier which would be required by the Council's Building Control Officer. There would also be virtually no room to manoeuvre/fill the bins prior to refuse collection. This

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

would be likely to result in the bins being left on the pavement rather than within the curtilage of the appeal property.

6. I understand from both the Council and third party evidence that there is already an issue through lack of space for satisfactory bin storage in the street, with a tendency for bins to spill out onto the pavement. This issue and its impact on neighbouring properties was apparent at my site visit. It is clear to me that this issue would be exacerbated to an unacceptable degree if this appeal were to be allowed.
7. I therefore conclude on the second main issue that the living conditions of neighbouring occupiers would be adversely affected through increased disturbance caused through bin storage in the street caused by the displacement of bins hitherto placed in the front garden of the Appellant's property, directly as a result of the proposal. As such, the proposal would be contrary to core principle 17 [4] of *the Framework*, which requires that planning should always seek to secure a good standard of amenity (living conditions) for all existing and future occupants of land of buildings. It would also be contrary to Local Plan policy DG4.
8. I note a number of third party comments concerning the management of the HMO, including maintenance, structural and damp issues. These are not, however, issues that I can comment on in relation to this appeal.
9. In conclusion, I find that, although the effect on the character and appearance of the appeal property and the streetscene would not be harmful, the proposal would harm the living conditions of neighbouring occupiers, specifically in relation to nuisance arising from bin storage, contrary to national policy and the development plan. For the reasons given and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR