

Appeal Decision

Site visit made on 6 March 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/Y1110/D/17/3167650

18 Sheppard Road, Exeter, Devon EX4 5DD

- 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 Martyn Bravington-Sim against the decision of Exeter City Council.
 - The application, Ref. 16/1567/03, dated 5 December 2016, was refused by notice dated 5 January 2017.
 - The development proposed is a conservatory to the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory to the front of the property at 18 Sheppard Road, Exeter in accordance with the terms of the application, Ref. 16/1567/03, dated 5 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. MBS/001; MBS/002; MBS/003;
 - 3) The surface materials to be used in the construction of the walls of the development hereby permitted shall match those in the existing building.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of the dwelling and the street scene, and (ii) the effect on the living conditions for the occupiers of No. 20 Sheppard Road as regards outlook and light.

Reasons

3. A conservatory has been granted permission on appeal at the property (Ref. APP/Y1110/D/16/3149103) and I shall have regard to the Inspector's appraisal and his Decision in reaching my conclusions on the current proposal. It is also material that this earlier approval comprises the appellant's 'fallback position' if I were to dismiss this appeal.
 4. On the first issue, I saw on my visit that No. 18 Sheppard Road is already set slightly forward of Nos. 20-26 Sheppard Road, which are four dwellings of the same design and quite different from the shorter width and gabled No. 18.
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However, all these buildings are set well back from the road at the top of a slope and are framed by No. 28 Sheppard Road and No. 8 Glen Walk to the east and west respectively. These two dwellings are of a different design again, and are on corner plots beside footpaths with positions much closer to the road. A further feature in the street scene comprises the flat roofed linked garages close to the road, in several cases as pairs but between the appeal dwelling and No. 8 Glen Walk as three together.

5. Bearing in mind this variety in the street scene and the substantial set back of Nos. 18-26 Sheppard Road, I consider that substantial alterations to the front elevation of No. 18 can take place without its resulting different appearance and more forward siting drawing the eye as a departure from any established rhythm and symmetry. The allowed appeal has also established the principle of an extension projecting 4m. Although the Inspector referred to its limited height, extensive glazing and lightweight appearance as favourable considerations, the fact remains that a conservatory of this fairly standard design is a potentially incongruous addition to a front elevation.
6. The current scheme is of a more hybrid form with its solid flank walls and short returns to the central glazed area, and with the exception of its glazed roof the extension would have a more conventional appearance for a front addition. The Council is concerned as to a lack of subservience, but the extension would be accommodated entirely within the frame of the existing gable. It would also be set in from both flank walls and its roof would not break the outline of the existing roof slope.
7. When these factors are taken together with the substantial distance from the road, I do not consider that its increase in forward siting from No. 20 would be particularly noticeable, and given the variety in the street scene already referred to, nor would it be seen as being particularly out of keeping with its surroundings.
8. Further factors are the heavily landscaped frontage of the plot which restricts views of the building, and that the cladding of the existing front elevation might reasonably be considered as being an unsympathetic alteration to the building's appearance. On this issue, I therefore conclude that there would not be a harmful effect on the character and appearance of the dwelling and the street scene.
9. Turning to the second issue, the Council argues that there would be a problem of loss of light and outlook for the occupiers of No. 20. However as the front elevations face northwards there would be no sunlight and little or no daylight to be lost to the nearest front window of No. 20.
10. In respect of outlook, there is already a close-boarded fence and substantial privet hedge that prevents any aspect from No. 20 over the front garden of the appeal dwelling. The extension's flank wall would be set in from the existing building and the shallow pitched glazed roof set in still further. I consider it unlikely that the building would appear in the line of sight from users of the nearest front room of No. 20. In this regard I also note that no objection has been received from the occupier in support of either the Council's refusal of permission or its stance on this particular issue of living conditions.

11. Overall, I conclude the appeal proposal would not be in harmful conflict with any of the provisions of Policies DG1 & DG4 of the Exeter Local Plan First Review 1995-2011 adopted 2005; Policy CP17 of the Exeter Core Strategy 2012 and the Council's Extension Design SPD 2008. (I acknowledge that there would be a technical, as opposed to harmful, conflict with Principle 2 of the SPD).
12. Similarly, there would be no contravention of the core planning principles and harmful conflict with Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.
13. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition stipulating matching external materials for the walls of the extension will safeguard the building's appearance and maintain visual amenity.

Martin Andrews

INSPECTOR