
Appeal Decision

Site visit made on 10 April 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/Y1110/W/16/3168081

No 6 Bowhay Lane, St. Thomas, Exeter, Devon EX4 1NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr M Prato against the decision of Exeter City Council.
 - The application Ref 15/0713/03, dated 22 June 2016, was refused by notice dated 28 July 2016.
 - The development proposed is described on the application form as the 'construction of detached dwelling within existing garden area of 6 Bowhay Lane, Exeter'.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. No 6 Bowhay Lane is a bungalow of understated design set in a comparatively spacious and level plot within a suburban residential location. The proposal is to subdivide the side garden of No 6 and to erect a detached dwelling therein.
 4. Properties nearby along the same side of Bowhay Lane as the appeal site are typically two-storey semi-detached dwellings of early twentieth century appearance, symmetrical form, and with fine traditional detailing. They are regularly arranged within rectilinear plots with broadly consistent spacing between them.
 5. Properties nearby on the opposite side of Bowhay Lane are likewise predominantly two-storey symmetrical semi-detached dwellings. Whilst they are of relatively recent construction and comparatively plain design, they are similarly regularly set within rectilinear plots with consistent gaps between.
 6. Therefore whilst there is some variety in the age and design of nearby properties, including that Nos 6 and 4 are detached bungalows, there is nevertheless a broadly consistent pattern to the surrounding built environment. Regularly arranged, consistently spaced, and broadly symmetrical two-storey
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semi-detached properties lend the area an ordered, harmonious and relatively low-density character.

7. Policy CP4 of the Exeter City Council Core Strategy adopted in February 2012 (the 'CS') sets out that residential density should be the highest appropriate with reference to the character of the local environment. Similarly policy CP17 of the CS establishes that development must complement local character and identity.
8. Further detail is given in the Council's Residential Design Supplementary Planning Document (the 'SPD') as to how development can be sensitively design to respect its surroundings.¹ The National Planning Policy Framework (the 'Framework') likewise sets out that planning should always seek to ensure high quality design and that it is proper to reinforce local distinctiveness.
9. The dwelling proposed has been designed with some sensitivity to its surrounding context: its maximum ridge height would be greater than No 6 but lesser than No 10,² and it would feature architectural detailing which references the features of certain properties nearby.³
10. However the dwelling proposed would be a detached two-storey dwelling, which is inconsistent with the prevailing symmetrical semi-detached form of properties nearby. The incongruous form of the dwelling proposed would be exacerbated by its close proximity to the single storey garage of No 10 and to the side elevation of No 6.⁴
11. Based on my site visit observations the spacing between properties nearby is generally significantly greater than would be achieved here. In my view the incongruous form of the proposal together with its excessively close relationship to nearby properties would result in a dwelling which would appear unduly cramped within its plot, markedly out of keeping with, and therefore harmful to the largely consistent character of the area as described above.
12. I appreciate that the proposal would result in a new dwelling within the Council's administrative area and entail modest social and economic benefits as a consequence. However the encouragement given within the Core Strategy and the Framework to enabling residential development is not at the expense of ensuring that all development is appropriately located and designed.
13. I am sympathetic to the motivation behind the proposal, namely that it is intended for occupation by an elderly and infirm relative of the appellant. However the private benefits of the proposal in this respect do not outweigh the public harm that would arise, and there is no mechanism before me to secure the use of the dwelling proposed as such in any event.
14. For the above reasons I cannot conclude other than that the proposal would adversely affect the character and appearance of the area, and that this harm

¹ In particular at paragraphs 9.70, 9.74 and 9.77 thereof, which refer respectively to ensuring that proposals create a high quality residential environment, that the spaces between buildings are considered, and that the scale and massing of proposals relate well to their surroundings.

² As shown on drawing No 14:21:PL05.

³ As shown on drawing No 14:21:PL02.

⁴ Stated to be approximately 1.275 metres and 2.3 metres respectively on drawing 14:21:PL05.

clearly outweighs the benefits of the proposal. Accordingly the proposal conflicts with the relevant provisions of policies CP4 and CP17 of the Core Strategy and with relevant elements of the SPD and of the Framework.

Other matters

15. I have noted the concerns raised by the occupants of No 10 Bowhay Lane in relation to overlooking, overbearing and overshadowing potentially resulting from the proposal. However there is nothing in the information before me, nor as a result of my site visit observations, to conclude that unacceptable adverse effects would arise in these respects.⁵ My finding here is consistent with the Council's position. Nevertheless that the proposal would not be unacceptable in these respects does not outweigh the harm that I have identified above would result.

Conclusion

16. For the above reasons, and having taken all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁵ Given the paucity of windows in facing elevations, with regard to the existing sense of enclosure and nature of overshadowing in relation to No 10, and as safeguards could be secured via condition were the development proposed otherwise acceptable.