



Appeal Decision

Site visit made on 9 January 2018

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 15 January 2018

Appeal Ref: APP/Y1110/W/17/3179273

21 Elliott Close, Exeter EX4 5ED

- 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 Paul Bennellick against the decision of Exeter City Council.
 - The application Ref 17/0197/03, dated 1 February 2017, was refused by notice dated 18 April 2017.
 - The development proposed is infill new dwelling, with off-street parking on existing plot of No. 21 Elliott Close.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and the living conditions of the occupiers of 21 and 23 Elliott Close with particular regard to whether it would be overbearing or result in loss of light and overshadowing to the garden areas.

Reasons

Character and appearance

3. Elliott Close is a residential area primarily consisting of semi-detached properties and terrace houses typically set in short runs. The area is located on sloping land with the design and layout of the houses responding to this. Because of the topography some dwellings have the appearance of being single storey at the front but two storey at the rear. Where the properties front the road these are typically set back. There are a number of spaces between the buildings taking the form of either gardens or small areas of open space. Together the set back of the houses and the spaces between the buildings has resulted in a spacious feel to the area which is a positive and locally distinctive characteristic.
4. The appeal site forms part of the garden of No.21 and much of it is steeply sloping. On the road side it is bounded by a block and render wall, but above this the site provides an open aspect between No.19 and a garage block. This area forms an important reprieve in the built form and reinforces the spacious character of the area.
5. The appeal dwelling would be located close to the garage block. It would narrow the gap between the buildings and consequently undermine the contribution this space makes to the character and appearance of the area. The

front of the dwelling would be located very close to the back edge of the pavement, much more so than is typical in the area. When these two factors are taken together the result would be that the development would appear discordant with the general layout of the Close resulting in significant harm to its character and appearance. Although there would still be a sizable gap between No.19 and the appeal dwelling this would not adequately mitigate the harm that would arise.

6. The design and form of the dwelling reflects the character of the surrounding properties and its height would be similar to both No.19 and No.21. In isolation these are acceptable attributes of the development. There would also be some opportunity to provide additional landscaping at the front of the site. However none of these factors would minimise the harm that I have identified.
7. Planning permission has recently been granted for the erection of a dwelling on the side of No.7. At the time of my site inspection this was under construction. It is set back further from the road than would be the case with the appeal development and the location of that site, lower down the slope, is such that it seems it did not have as open an aspect or make as significant a contribution to the character and appearance of the area as the appeal site does. That development is not directly comparable and so it does not justify the appeal scheme. A significant number of other examples of the relationship between other dwellings in the area have been brought to my attention. None of these are located in the immediate context of the appeal site. The effect of a development on the character and appearance of an area, and the associated application of the relevant policies, is necessarily very site specific. None of these other examples are directly comparable.
8. I therefore conclude on the first main issue that the development would result in harm to the character and appearance of the area. It would fail to comply with the design aims of Policy CP17 of the Exeter City Council Core Strategy and Policy DG1 of the Exeter Local Plan First Review (the LP) together, and amongst other things, these seek to ensure that development compliments or enhances local identity and that the pattern of plots and their buildings promotes the urban character. The development would not accord with the aims of the National Planning Policy Framework (the Framework) to secure high quality design and reinforce local distinctiveness. It would also conflict with the overarching aims of the Council's Residential Design Supplementary Planning Document (the SPD) which are similar to the Council's policies and the Framework.

Living conditions

9. The garden level for No.21 is set a little lower than the proposed ground level for the appeal site and the garden at No.23 is set a little below that of No.21. From the rear, when viewed from these neighbouring gardens, the dwelling would appear as two storey.
10. The appeal dwelling would be sited so that it overlaps the side wall of No.21 but it would project beyond it. It would not, however, extend the full width of the garden. No.21 and No.23 are orientated so that the rear gardens face north. The effect of this is that much of these gardens, particularly the areas close to the rear of the houses, would be overshadowed by the existing buildings. The location of the appeal dwelling is such that this would be marginally increased, but not all of the garden area would be significantly

affected. The building would project relatively modestly beyond the rear of No.21 and retain a degree of separation which would be much more significant to the boundary with No.23. Good levels of ambient light would still reach both neighbouring gardens.

11. Taking all these factors together I consider that the development would not be unduly overbearing or have a significantly harmful effect on the living conditions of the occupiers of No.21 or No.23 in terms of loss of light and overshadowing. It would allow for a quality of amenity so that nearby residents would feel at ease within their homes and gardens and so there would be no conflict with Policy DG4 of the LP or the aims of the Framework to ensure there is a good standard of amenity for occupants of land and buildings. Although the Council has made reference to the SPD no specific conflict with it has been identified.

Other matters

12. The development would result in the addition of a dwelling to the housing stock in a location that is close to public transport connections and allows for opportunities for walking and cycling to services and facilities. It would also make for the efficient use of land. These factors would result in economic and social benefits; however, given the small scale of the development, these benefits would be very modest.
13. An adequate garden area would be provided for the appeal dwelling and retained for No.21. I also note the relevant internal space standards would be met, the development would take some advantage of solar gain, and that there is an intention to comply with building regulations. These matters are neutral but do little to weigh in favour of the development. It is apparent that the appellant has worked with the Council to refine the design and that the scheme was supported by the Council's planning officer. While I have taken these matters into account I must reach my own view on the substantive planning merits of the development.

Conclusion

14. The modest benefits of the development would not outweigh the harm that would arise to the character and appearance of the area. I have found that unacceptable harm would not arise to the living conditions of neighbouring residents. This would also not mitigate or outweigh the identified harm. The proposal would not comply with the development plan when it is considered as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR