



Appeal Decision

Site visit made on 2 October 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/Y1110/D/19/3232158

17 Mount Pleasant Road, Exeter EX4 7AD

- 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 Michael Symons against the decision of Exeter City Council.
 - The application Ref 19/0072/FUL, dated 16 January 2019, was refused by notice dated 31 May 2019.
 - The development proposed is described as 'the proposal is for the erection of a single storey extension to the rear of the existing property'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In consideration of this appeal, there was discrepancy between the plans listed within the Local Planning Authority's (LPA) officer delegated report and those provided with the appeal questionnaire. The Council have subsequently confirmed that the proposal was determined on the most recently submitted amended plan (1699-PL001 rev D) and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on i) living conditions of occupiers of the host property with respect to the provision of outdoor amenity space; and ii) the character and appearance of the host property and area.

Reasons

Living conditions

4. The appeal site is a mid-terraced property that is indicated as being currently occupied as a House of Multiple Occupation (HMO) for up to 9 residents. The existing property benefits from a small, largely lawned, garden to the rear and a narrow yard area to the side of the existing rear projecting outrigger. The appeal development is for a single storey extension which would project about 3.65 metres from the rear of the existing outrigger.
5. From the evidence before me, the resultant outside amenity space of approximately 35 square metres would fall significantly below the size of 55 square metres as recommended by policy DG4 of the Exeter Local Plan First Review 2005 (LP) and the guidance contained within the adopted Householders

Guide to Extension Design Supplementary Planning Document 2008 (SPD). Furthermore, the area to the side of the existing two storey outrigger and that to the side of the proposed extension, would be narrow and therefore constrained and hence would not provide good quality or usable amenity space. The amenity space to be provided would be limited in its extent and would be of diminished practical use for occupiers. Noting the nature and intensity of the use indicated, I am not persuaded that the resultant outside amenity space would be adequate or satisfactory for the occupiers of the HMO.

6. I acknowledge that a number of gardens within the area are modest in size as detailed by the appellant. However, this does not justify allowing a proposal that would not accord with policy requirements. Furthermore, I cannot be sure of the exact number of people that use the garden areas referred to by the appellant. The appellant indicates that they would remove the shed, should the extension be approved, although I do not consider this would adequately overcome the shortfall in the identified outside amenity space.
7. For the above reasons, I conclude that the proposal would not accord with the living conditions aims of Policy DG4 of the LP; paragraph 127 of the National Planning Policy Framework (The Framework) and the guidance contained within the Householder's Guide to Extension Design SPD, which seek, amongst other things, to provide a high standard of amenity for existing and future users.

Character and appearance

8. The rear garden of the property is currently enclosed by an approximately 2 metre high brick wall, with gated access from Herschel Road. From the information before me the appeal site does not fall within a conservation area and is not listed. From my site observations, it is evident that the rear of the host terrace is visible from Herschel Road and the footpath leading from it, with some properties benefitting from outbuildings and having had single storey extensions added previously.
9. Whilst I accept that the single storey extension would be visible from the public domain to a degree, noting the varied context in which it sits and the established enclosure of the rear garden, I consider that in terms of its scale, position and design, it would not represent a visually intrusive or unacceptably discordant addition to the host property or wider terrace.
10. For the above reasons, I conclude that the proposal would not cause harm to the character and appearance of the host property or wider area. Therefore, it would accord with policies DG1 of the LP; Objective 9 and CP4 of the adopted Exeter Local Development Framework Core Strategy 2012; and paragraphs 127 and 130 of the Framework, that seek amongst other things, that the volume and shape of structures relate well to the character and appearance of adjoining buildings.

Other Matters

11. I acknowledge the appellants contention that the proposal seeks to provide kitchen facilities that would comply with HMO guidance and his concerns with regard to income. However, this does not overcome my conclusion that inadequate outside amenity space would be provided for occupiers of the HMO.
12. The appellant has referred to another extension erected in close proximity to the appeal site. Whilst some detail has been provided by the appellant, I am

not familiar with the full circumstances and specifics of this particular case. In any event, I have determined the appeal on its individual planning merits. The existence of other similar developments within the area does not alter or outweigh my conclusion on the first main issue.

13. The appellant raises concern with regard to the manner in which the Council determined the planning application including discussions relating to alternative proposals, amendments sought, dispute over potential intensification of the HMO use and additional costs incurred. Whilst acknowledging these points, I have determined the appeal on the basis of the information and plans before me and the matters raised do not in themselves alter or outweigh my overall conclusion on the main issues.

Conclusion

14. Whilst the proposal would not cause harm to the character and appearance of the area, it would nonetheless result in inadequate outside amenity space for the occupiers of the HMO. The latter is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR