

Appeal Decision

Site visit made on 30 September 2019

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019.

Appeal Ref: APP/Y1110/W/19/3232228

2A Newcourt Road, Topsham EX3 0BT

- 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 Richard Carr of Designs4Planning Ltd against the decision of Exeter City Council.
 - The application Ref 19/0621/FUL, dated 3 May 2019, was refused by notice dated 25 June 2019.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form lists the site address as 2A Newcourt Road. The appeal form and Council Decision Notice, however, refer to land adjacent to 2A Newcourt Road and, as this provides a more accurate location of the site, I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area including the effect on the nearby Topsham Conservation Area; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to amenity space.

Reasons

Character and appearance

4. The appeal site comprises an area of vacant green space next to 2A Newcourt Road. The site is bounded by a hedge, fencing and a low-level red-brick wall with a five-bar gate across the entrance. A mixture of dwelling types, some detached, some semi-detached and some terraced, are present in the area. However, buildings, including several fairly new properties directly opposite the appeal site, have a largely traditional character and appearance. Many are constructed of red-brick and others are stone-built or rendered; all appear to have pitched roofs.
5. Though not directly within it, the appeal site is on the boundary of the Topsham Conservation Area (CA). The CA's significance seems to me to derive in part from the

traditional character and appearance of the area, particularly the traditional palette of materials. The Council state that a number of Locally Listed buildings, including the neighbouring property at 2 Newcourt Road, are also in the vicinity. Whilst I have had regard to these locally listed buildings in my assessment of the area as a whole, I have been provided with little evidence on their individual significance.

6. The proposal is to construct a single storey detached dwelling with associated parking which would fill in the existing gap in the built form at this location. The proposed dwelling would have a contemporary appearance with a flat-roof and would incorporate less traditional materials, such as timber cladding and glass.
7. The overtly contemporary design with its hard, straight lines and flat-roof would be at odds with the traditional buildings which surround it in close proximity. The use of a different, more modern, palette of materials would further emphasise the markedly different nature of the proposal. The proposal would, therefore, appear as an incongruous addition in the street scene which would fail to respect, and therefore cause harm to, the prevailing character and appearance of the area.
8. The dwelling at No 2A Newcourt Road is prominent on the approach along the road from the junction with Denver Road and provides a focal point which is typical of the traditional built form in the area. Due to the orientation of No 2A, which sits at an angle to the road, the proposed dwelling would have the effect of interrupting the line of vision towards No 2A and would obscure views of this property. The proposal would introduce a new and visually jarring, focal point, eroding the character and appearance of the area. I acknowledge that the existing boundary treatment already partially obscures views towards No 2A. However, in my view, the addition of a new dwelling with a contemporary design in this prominent location would deteriorate the views and harm the sense of place and character of the area considerably more than is currently the case.
9. The proposed bungalow would cover a significant proportion of the site. However, properties in the area have a somewhat informal and varied layout; some are set well back from the road behind areas of garden, whilst others have front doors which, more or less, directly front the road. I concur with views expressed by the previous Inspector¹ that, due to the variety in the relationships between buildings and the road, and the position of the proposed dwelling on site, a dwelling in this location would not appear unduly cramped and would not cause harm to the character and appearance of the area in this regard.
10. The lack of harm in this respect would, however, not be sufficient to dissuade me from my conclusions in respect of the overall harm to the character and appearance of the area. I also note the amendments which have been made to a previous scheme in order to limit the proximity of the proposed dwelling to No 2A and to address previous concerns raised. These alterations, however, are not sufficient to mitigate the harm I have identified.
11. I have considered the other examples which are said to be similar to the proposal before me. However, one of these examples does not appear in the same immediate visual context as the appeal property. The other examples opposite the appeal site are of a notably different, more traditional, design with pitched roofs and are, therefore, less incongruous than the proposal before me. They are also sited within a different context at the end of an existing terrace. In any event, each case must be determined on its individual merits.

¹ Appeal reference APP/Y1110/A/07/2055116

12. For the reasons outlined above, I conclude that the proposed dwelling would fail to respond sympathetically to its context and, as such, would cause harm to the character and appearance of the area. As a result of the close proximity of the site to the CA, the harm which would be caused to the area would also lead to the failure of the proposal to preserve or enhance the character or appearance of the CA. Whilst, due to the small scale of the proposed development, the harm to the CA would be less than substantial there is no identified public benefit which would outweigh that harm.
13. The proposal would, therefore, conflict with Policies CP4 and CP17 of the Exeter City Council Core Strategy, February 2012 (CS) and Saved Policies H2 and DG1 of the Exeter Local Plan First Review, March 2015 (LP). Amongst other things, these policies aim to permit development only where it would not cause harm to the character and quality of the local environment. The policies also seek development which would complement or enhance character and local identity, use materials which relate well to the palette of materials in the locality and retain local distinctiveness.
14. The proposal would also fail to accord with Saved Policy C1 of the LP which requires development which affects a conservation area to pay special attention to preserving or enhancing the character or appearance of the conservation area.
15. There would also be conflict with the aims of the Residential Design Supplementary Planning Document, September 2010 (SPD) which states that building design needs to provide high quality residential environments which create a strong sense of place. Furthermore, the proposal would fail to conform with the National Planning Policy Framework (the Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

16. The proposed dwelling would have areas of private amenity space, including a grassed area and a small patio, to the front and side of the property. A paved area for parking would also be situated alongside the dwelling.
17. The area of garden to the front of the property, which includes the patio area, would be fairly narrow and close to the road. The garden area to the side would incorporate a hard-surfaced parking area with some, limited, green garden space alongside and behind. Both areas, the strip to the front particularly, would be visible from the road.
18. At the time of my site visit I noted that the road was well used by pedestrians, especially those walking dogs, and by vehicles. Consequently, those using the garden area would not have an acceptable level of privacy and would feel exposed and overlooked. Furthermore, the front windows of the property at No 2A, especially at first-floor level, would look directly into the garden area of the proposed dwelling thus further reducing any sense of privacy.
19. I note that potential occupiers could use planting or alternative boundary treatments to provide further screening. However, due to the limited size of the garden, any planting or boundary treatment large enough to provide an acceptable degree of privacy would be likely to have a detrimental effect on light levels and outlook at the proposed dwelling.
20. Furthermore, due to the locations of the proposed garden areas, approximately to the north and west of the proposed dwelling, they would receive little light and would

be substantially shaded by the proposed dwelling for much of the day. The garden area to the west would receive a better level of light than that to the north but this would be limited to the latter part of the day and would not be sufficient to mitigate the poor levels of light reaching a large proportion of the amenity space.

21. Irrespective of whether or not the total area of amenity space would meet the Council's space standards, for the reasons outlined above, the proposed space would be of poor quality and the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to amenity space.
22. Accordingly, the proposal would not be consistent with Saved Policy DG4 of the LP. This policy, amongst other things, seeks to ensure that developments have a quality of amenity which allows residents to feel at ease within their homes and gardens. The proposal would also fail to meet the guidance set out in the SPD which requires gardens to be located towards the private, non-main entrance side of the house and seeks to secure development where people are able to enjoy their gardens without feeling overlooked. The SPD also states that developers should demonstrate that dwellings have sufficient light to allow comfortable use and enjoyment of gardens. The development would also not accord with this requirement.
23. There would also be conflict with the Framework which states that developments should create a high standard of amenity for existing and future users.

Other Matters

24. I note concerns raised by third parties regarding the effect of the proposal on highway safety. The proposed dwelling would retain the existing access to the site. Whilst vehicular movements along the road were fairly frequent at the time of my site visit, speeds were low due to the road conditions along Newcourt Road. Visibility from the access to the site is sufficient and, in my view, a development of this scale would not have an unacceptable impact on highway safety in the area.
25. I have also noted a number of other issues raised by neighbouring residents; including the potential for disruption during construction and potential discrepancies within the plans amongst others. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.
26. I acknowledge the need for different types of housing in the interests of providing accessible accommodation and the more general need for new housing which the Council consider will sometimes need to be built at higher densities. I also recognise that the proposal would make efficient use of land in a location close to local services and transport links.
27. I have given careful consideration to the matters outlined above and accept that aspects of the proposal would be in conformity with some elements of local and national planning policy. However, none of these factors are sufficient to outweigh the harm I have identified above.

Conclusion

28. For the reasons outlined above I dismiss the appeal.

L J O'Brien INSPECTOR