
Appeal Decision

Site visit made on 2 October 2019

by S Leonard BA (Hons) BTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/Y1110/W/19/3233639
327 Topsham Road, Exeter EX2 6EY

- 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 Wilfred Milford against the decision of Exeter City Council.
 - The application Ref 18/1643/FUL, dated 8 November 2018, was refused by notice dated 8 May 2019.
 - The development proposed is construction of two storey dwelling, garage and associated external works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address in the banner heading has been taken from the planning application form and matches that on the appeal form. It differs from that given on the decision notice which is land to the rear of 327 Topsham Road, Exeter, Devon EX2 6EY. I use the description in the heading above, since the appeal site currently forms part of the rear garden of 327 Topsham Road.
3. For the avoidance of doubt, notwithstanding the drawings listed in the appeal form and the Council's suggested conditions, which do not include references to any revisions, both parties have subsequently confirmed that 'Rev P01' should be added to drawings 02, 03, 04, 05, 06, 07, and 08. This accords with the labels on the planning application drawings. My decision is based on these drawings.

Main Issues

4. The main issues are:
 - Impact on the character and appearance of the surrounding area; and
 - Whether the proposed development would provide appropriate living conditions for future occupants, with particular reference to privacy.

Reasons

Character and Appearance

5. The appeal site comprises the rear-most part of the back garden of 327 Topsham Road. The host property is a detached two storey house with a long front garden and vehicular access from Topsham Road. It is the end property in

- a row of detached and semi-detached hipped roof houses of similar form, materials and front building line, which face onto Topsham Road and are set behind a landscaped highway verge.
6. Timber panel fencing/gates and mature trees and vegetation along the side and rear boundary of No.327 mean that, notwithstanding an existing vehicular access onto Bishop Westall Road, the appeal site and the host property are well-screened in views from this road and from the public footpath linking it to Topsham Road. Accordingly, the appeal site sits discretely within the Bishop Westall Road street scene.
 7. Bishop Westall Road is characterised by several distinct types of development. Opposite the appeal site there is high density, full two storey pitched roof terraced housing, arranged around Chanter Court and Mortimer Court. Brick is the predominant wall facing material, although some elements of render and tile hanging can be seen within the vicinity of the appeal site. The houses are generally set back behind small front gardens enclosed by low front boundary walls. Rear gardens and garages are generally enclosed by high brick walls, and it is this rear element of the housing that presents itself to Bishop Westall Road opposite the appeal site.
 8. The character of the road on the appeal site side has been subject to ongoing change, as the rear gardens of two storey houses in Southbrook Road have been severed and redeveloped. The form of development that has emerged has a strong character defined by detached bungalows with shallow pitched roofs over brick or rendered walls. The properties are set back from the site frontage with gardens/parking to the front, accessed from Bishop Westall Road. These properties include three detached bungalows immediately to the north-east of the appeal site.
 9. Notwithstanding the location of the site at the southwest end of the road, beyond the right-angled road bend and treed grass verge in front of Nos. 20 and 21, the proposed development would, nonetheless, be perceived as an extension to the existing bungalow development that has taken place within the road. When viewed from the street, the appeal proposal would be appreciated within the immediate context of the three bungalows to the north-east of the site, given the proximity of the proposal to the side boundary of No.21. The new vehicular access and large detached garage would be sited immediately adjacent to that property, and the proposal includes the cutting down to near ground level of the mature hedging and trees along the north-east boundary of the appeal site, which currently provide a strong buffer between the appeal site and No.21. The new dwelling would only be sited a driveway width from the boundary with No.21.
 10. The appeal proposal would be at odds with the prevailing character of development within Bishop Westall Road. The siting of the new dwelling adjacent to the back of the footpath would be out of keeping with the established front building line on this side of the road. The proposed building height, emphasised by the steeply pitched roof, would be out of keeping with the shallow pitched roofs of the bungalows to the north-east. The new dwelling would have an oppressive, overbearing impact on the street scene, due to a combination of its height, roof design, whose depth would be about the same as that of the eaves height, and its length of about 11.5 metres immediately adjacent to the site frontage.

11. Although set back from the frontage, the large pitched roof of the garage would be clearly visible from the road to the side of the new dwelling, exacerbating the over-dominant visual impact of the proposed development. The impact on the street scene would be compounded by the prominent position of the appeal site close to the junction within the road where it is visible from several road approach directions.
12. Whilst forming a transitional height between the bungalows to the north-east and the two storey houses opposite the site, by containing the first floor within a large bulky roof space, the new dwelling would not relate well in scale to either of these prevailing building types and would appear incongruous within the street scene.
13. The detailed design of the new building would relate poorly to the street. The proposed street elevation fenestration would not be demonstrative of a main building entrance, as would normally be expected on a street facing elevation, and there would be large areas of blank wall space, lacking in fenestration and visual interest. The proposed window design and positioning would not respect that of surrounding properties. Whilst there are elements of rendered walls within the appeal site vicinity, brick is the predominant material under tiled roofs. The proposed amount of unrelieved rendered wall space on the building, together with the proposed standing seam metal roof, comprise a palette of materials that would not relate well to the prevailing character of the road where traditional brick and tiles are the predominant defining combination of materials.
14. Whilst the street scene on the opposite side of the road comprises the rear gardens, garages and brick boundary walls of Chanter Court, this is also the case further to the north-east where Mortimer Court exhibits a similar arrangement of backs of properties fronting the street. This has not influenced the bungalow form of development that has become established along the appeal site side of the road, which is clearly distinct from the high-density housing on the opposite side of the road. For this reason, I do not find that the character of Bishop Westall Road changes so significantly around the appeal site to justify a departure from the form of bungalow development that prevails to the north-east of the site.
15. For the above reasons, I conclude that the proposed development would comprise a poor design and layout that would be over-dominant and incongruous within the street scene and result in material harm to the character and appearance of the area. As such, the proposal would be contrary to Policies DG1 and DG4 of the Exeter Local Plan First Review 2005 (the Local Plan), Objective 9 and Policy CP4 of the Exeter City Council Core Strategy 2012 (the Core Strategy), and the Residential Design Supplementary Planning Document 2010 (the SPD). These policies, amongst other things, seek to ensure that new development is designed to a high standard, creates a high-quality townscape, and protects the character and quality of the local environment. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework which requires high quality design.

Living Conditions

16. The Council's second refusal reason relates to concern about the level of privacy that would be afforded to future occupants of the new dwelling, particularly in respect of their garden. The Council has confirmed that there

would be a distance of approximately 15 metres between habitable room windows of the proposed dwelling and the host property, and that this meets the SPD minimum requirement in this respect. However, the Council is concerned that the future occupants would not feel at ease within their garden due to overlooking from the host property.

17. During my site inspection, I observed that there are two first floor rear elevation windows on the host property, one of which is obscure-glazed. Given the distance that will remain between the rear wall of the host property and the garden of the proposed development, I do not consider that there would be a materially harmful impact on the privacy of the future occupants of the new dwelling. In making this judgement, I find that a degree of overlooking from first floor windows to neighbouring rear gardens is an expected occurrence within urban residential environments. I am also mindful that the Council has not drawn my attention to a specific failure to comply with any criteria in the SPD with respect to this matter. In this respect, the proposal would accord with Local Plan Policy DG4, Core Strategy Policy CP4, and the SPD which, amongst other aims, seek to ensure that new development provides high quality living conditions, including allowing residents to feel at ease within their homes and gardens.

Other Matters

18. Notwithstanding that the Framework encourages the effective use of land in meeting the need for homes, including giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, this is not unqualified, and would not address or outweigh the aforementioned harm that I have identified to the character and appearance of the area.
19. I acknowledge that the site is in an accessible location with respect to public transport and community facilities and services. Also, there would be a small social benefit in providing an additional housing unit and economic benefits as a result of the construction and occupation of a new house. However, these benefits would not overcome the harm to the character and appearance of the area.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR