



Appeal Decision

Site visit made on 4 August 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/Y1110/W/20/3249744

Charlotte Mews, Pavilion Place, Exeter EX2 4HA

- 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 Steve Williams of Recruitment Solutions against the decision of Exeter City Council.
 - The application Ref 19/1271/FUL, dated 19 August 2019, was refused by notice dated 20 February 2020.
 - The development proposed is the formation of 4 new residential units over existing units 5 and 6.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide adequate living conditions for future residents in terms of internal living space, external amenity space, bicycle and bin storage facilities; and,
 - Whether the proposed development would preserve or enhance the character or appearance of the Southernhay and Friars Conservation Area (the Conservation Area) and the effect of the proposal on the setting of nearby listed buildings.

Reasons

Living Conditions

3. The proposal seeks to provide additional residential accommodation at the appeal building, which would comprise four additional units. In this regard, the proposed units would include two one bedroom flats, and two two bedroom flats.
4. From the evidence and submissions before me, it appears that the amount of internal amenity space would be approximately 57 sqm for the proposed second floor two bedroom unit and the proposed third floor two bedroom unit would be significantly smaller in terms of internal area. These levels of internal space would therefore be below the minimum thresholds as provided within the Technical Housing Standards- Nationally Described Space Standard 2015 (the NDSS).

5. Whilst I acknowledge that the Appellant intends for two persons only to occupy each of these units, in my view it is likely that more than two persons would occupy each of these spaces. Consequently, with regards to these two units and in particular the proposed two bedroom unit at third floor level, the appeal scheme would not provide sufficient internal space, which would result in unacceptable living conditions for future residents.
6. In respect of the proposed one bedroom unit at second floor level, whilst it is noted that the internal space to be provided for the bedroom would be below that required for a double bed, there would appear to be sufficient internal space provided that, in my view, sufficient standards of accommodation would be achieved. However, the proposed one bedroom unit at third floor level is significantly constrained in terms of internal space, and in light of the abovementioned standards, would fall short of providing sufficient living conditions for future residents of that proposed unit.
7. The Council have put it to me that the proposal would also not provide sufficient space for the storage of bins and bicycles at the appeal site. In this regard, it is noted that during the appeal process the Appellant has provided additional drawings which show an area at ground floor level which could be used for the storage of such items. In the event that the appeal was allowed, I am satisfied that the provision of acceptable space for bin and bicycle storage could be secured by condition.
8. Furthermore, whilst the development does not propose any outdoor amenity or garden space, the appeal site is only a short walk from Bull Meadow Park, which is a high quality open space. This would provide adequate access to outdoor recreation for future occupiers of the proposed units. Accordingly, I do not consider that this matter alone would justify withholding permission. However, that does not alter my other concerns in relation to internal living space for the individual units, as set out above.
9. The proposed units would be within close proximity to the extensive services, facilities, employment opportunities and transport links which Exeter provides and in light of this and the above, I find that the proposal would not conflict with Policy T3 of the Exeter Local Plan First Review 1995-2011 (the Local Plan) or Objective 5 of the Exeter Local Development Framework Core Strategy (the Core Strategy) which, together and amongst other things, requires that development provides adequate areas for storage of bicycles, access to services and facilities thereby reducing the need to travel by car. For the same reasons, the proposal would accord with paragraph 108 of the National Planning Policy Framework (the Framework). Furthermore, the proposal would not conflict with the aims and objectives of Policy DG4 of the Local Plan with regards to outdoor amenity space for the reasons above.
10. However, by reason of the inadequate amount of internal living space at the proposed units and the resulting harm to the living conditions of future residents, the appeal scheme would not accord with the provisions of the NDSS and would conflict with Objective 3 of the Core Strategy which requires that development provide accommodation of a suitable size.

Character and Appearance

11. The appeal building is relatively substantial in terms of scale, and which is three storeys in height along its frontage on Magdalen Street and which is

reduced to two storeys in height to the rear of the building adjacent to Charlotte Mews and Pavilion Place. The changes in the overall height of the appeal building reflects and respects the heights of nearby and neighbouring buildings which are located close to the appeal site within Magdalen Street, Charlotte Mews and Pavilion Place.

12. The proposal would introduce additional storeys to the rear wing of the appeal building and would include a mansard roof. In these respects, the height of the rear of the appeal building would be significantly increased and, in combination with the significant increase in the overall mass and bulk of the appeal building, would result in a structure which would dominate the nearby surrounding townscape which includes the Friends Meeting House located within Charlotte Mews and the non-designated assets which are located within Pavilion Place.
13. The proposed mansard roof design would not sufficiently reduce the overall mass and bulk of the appeal building and would not reflect the design and appearance of development within this part of Exeter. Consequently, by reason of its height, bulk and design, the appeal proposal would draw the eye and appear as an incongruous addition which would be harmful to the character and appearance of the area.
14. The appeal site is within the Conservation Area and is located close to the Grade II Listed buildings which comprise Wynards Hospital complex and numbers 63 to 68 Magdalen Street. The significance of these listed buildings is derived from their architectural quality and historic use, with the appeal site contributing to the setting of these listed buildings by reason of its proximity.
15. Whilst I have not been provided with a Conservation Area appraisal, I was able to observe on my site visit that the Conservation Area includes the historic area of Southernhay and I consider that the significance of the Conservation Area is derived, in part, from the presence of a number of listed buildings and their architectural qualities.
16. As noted above, the proposal would result in a building which, by reason of its height, bulk and design, would not reflect or respect the character or appearance of the area and would dominate the nearby townscape. Accordingly, by reason of the height, bulk and design of the proposed development, the appeal scheme would result in an incongruous feature within the Conservation Area. Whilst reasonably localised in its extent, the scheme as a whole would fail to preserve the character or appearance of the Conservation Area.
17. Furthermore, given its design and prominence, the appeal proposal would introduce a feature which would be incongruous in the context of the setting of the identified nearby listed buildings. This visually intrusive and bulky structure would draw the eye of a passer-by, detracting from the historic value of the heritage assets, thereby diminishing their significance.
18. Overall, I conclude that the proposal would be harmful to the setting of the listed buildings as well as being harmful to the character and appearance of the Conservation Area. Paragraph 193 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification in

line with paragraph 194 of the Framework. Where a development proposal leads to less than substantial harm, this harm should be weighed against the public benefits in line with paragraph 196 of the Framework.

19. In terms of economic benefits, the proposed development would provide short term employment opportunities during the construction phase. Whilst I have concerns regarding the internal space for individual units as described above in relation to the first main issue, in the event that four additional units of accommodation could be successfully incorporated into the design of the proposal, such combination of benefits would be limited in scope, and taking the above points together, I find that the harm to the Conservation Area and Listed Buildings would outweigh the benefits of the proposal.
20. Whilst I note that the Appellant refers to the proposal as being affordable accommodation, there is no evidence before me that the proposal would accord with the definition of Affordable Housing as provided within the Framework.
21. For the above reasons, I conclude that the proposed development would cause harm to the character and appearance of the area. As such, it would not accord with the design and townscape aims of Objectives 8 and 9 of the Core Strategy which seeks to ensure that development complements and enhances local character and identity; Policy DG1 of the Local Plan which seeks, amongst other things, that development be of a height and mass which is appropriate to the surrounding townscape. Furthermore, the scheme would also fail to accord with Policies C3 and H2 of the Local Plan, which amongst other things, requires that new residential development should not detract from the character and quality of the local environment which include specific non-designated assets.
22. In addition to the above, I conclude that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area, causing less than substantial harm to its significance. The proposal would further fail to preserve or enhance the setting, and thereby the significance of, the nearby listed buildings. In the absence of any public benefit to outweigh this harm, the proposal would be in conflict with Policies C1 and C2 of the Local Plan and, furthermore, the proposal would be contrary to those parts of the Framework which seek to protect the significance of heritage assets.
23. The Appellant has put it to me that a new hotel development which is located within the Conservation Area and northwest of the appeal site has had a greater adverse impact on the significance of the abovementioned heritage assets than the appeal proposal would have. However, in this regard I am not aware of the local planning policies which applied at the time that that development was permitted, nor do I have any information as to the balance of any benefits that the hotel would have provided in relation to any harm that arose to the Conservation Area or other heritage assets. Consequently, I have determined this appeal on its own merits.

Planning Balance and Conclusion

24. The Council accepts that it cannot demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date by reason of a housing land supply shortfall, permission should be

granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to designated heritage assets. The harm to the character and appearance of the Conservation Area and to the setting of the identified listed buildings described above is therefore sufficient reason to dismiss the appeal, regardless of whether or not the Council is able to demonstrate a five year supply of deliverable housing sites.

25. I therefore find that the appeal scheme would not constitute sustainable development and, in accordance with the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR