



Appeal Decision

Site visit made on 28 July 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/Y1110/D/20/3252857

20 Victoria Street, Exeter EX4 6JQ

- 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 Ralph Sanders against the decision of Exeter City Council.
 - The application Ref 20/0045/FUL, dated 10 January 2020, was refused by notice dated 29 April 2020.
 - The development proposed is ground and first floor extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The submitted plans and the application form are inconsistent as to the external materials of the proposed first floor extension. In the interests of clarity, the appeal has been determined on the basis of the submitted plans.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the host property and the wider area, and
 - ii) the living conditions of the occupiers of 19 and 21 Victoria Street with particular regard to natural light and outlook.

Reasons

i) Character and appearance

4. The appeal property is a two storey mid terrace house with further habitable accommodation in the roof space. Despite an existing narrow but deep single storey rear extension along with front and rear dormers, the fairly modest proportions of the house remain an important part of its character and appearance.
5. An earlier scheme was refused planning permission and dismissed on appeal, (Council Ref: 18/0555/FUL and Appeal Ref: APP/Y1110/D/18/3214646). The Inspector found the proposed ground floor extension to be acceptable but considered the scale and materials of the first floor extension would be unsympathetic to the character and appearance of the house. The proposed

timber clad first floor extension would have covered just over half the width of the house and projected around 6m. In the revised scheme under consideration in this appeal, the submitted plans indicate it would be around 4m deep and have brick walls.

6. The Council's 2008 Supplementary Planning Document 'Householder's guide to extension design' (SPD) sets out that extensions should be in proportion with the original building. Notwithstanding the previous Inspector's findings on the acceptability of the ground floor extension, the first floor extension should be considered having regard to the combined effect of the two elements.
7. The ground floor extension would span the full width of the plot and be slightly deeper than the main two storey part of the house. Given the modest scale of the original building, the mass of the first floor extension in addition to the sizeable ground floor extension would result in a disproportionate extended built form. The arising sense of excessive overdevelopment would be harmful to the character and appearance of the house.
8. With regard to the wider area, there are properties further to the north west in the terrace with fairly deep first floor rear projections. There are also properties further to the south east in the terrace with very shallow first floor extensions. However, first floor additions are notably absent in the neighbouring houses which form the site's immediate setting. In this context and notwithstanding the use of materials that would match the house, the additional bulk at the first floor level would appear incongruous. Both the sense of excessive overdevelopment and the incongruous nature of the first floor addition would be harmful to the character and appearance of the locality. The fact there would only be private views of the development does not wholly justify the identified harm.
9. Consequently, owing to its inappropriate design, in particular its scale and massing, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the host property and the wider area. It would therefore conflict with Objective 9 and Policy CP17 of the Council's Core Strategy (2012), Policy DG1 of its Local Plan First Review (2005) and Policy D1 of the Exeter St James Neighbourhood Plan (2013). Amongst other things, these seek to ensure that development proposals promote local character and distinctiveness, aims that are similarly reflected in paragraphs 127 and 130 of the National Planning Policy Framework ('the Framework'). It would also conflict with the SPD for the reason previously indicated.

ii) Living conditions

10. Principle 3 of the SPD sets out that extensions should not adversely affect the natural light and outlook enjoyed by neighbours. In the earlier scheme, the Inspector again found the ground floor extension to be acceptable in these terms but considered the first floor extension would cause significant harm to the living conditions of the neighbouring occupiers.
11. Nos 19 and 21 each have a window that would be around 2m and 2.5m from the respective flanks of the first floor extension. Owing to a combination of the set back of the windows from the extension, the extension's proportions and the lack of impinging development to the other side of the windows, it is considered the proposal would not cause significant harm in terms of the

daylight enjoyed by the neighbouring occupiers. Also, given the orientation of the properties, there would be some degradation of the sunlight experienced at No 21 but not to a degree that would warrant resisting the proposal for this reason.

12. With regard to outlook, the main rear wall of No 19 stands around 1m forward of the appeal property. As a consequence, the effect of the approximately 4m deep extension would be reduced to around 3m which would not be visually intrusive in the outlook from the relevant window at No 19. However, the full 4m depth of the extension would be experienced from No 21. Despite only being 1m greater than in respect of No 19, the additional depth would be visually intrusive and cause significant harm given the present unobstructed outlook from the relevant window at No 21.
13. Accordingly, it is concluded the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No 21 with particular regard to their outlook. It would therefore conflict with Policy DG4 of the Local Plan which seeks to ensure a quality of amenity which allows residents to feel at ease within their homes. It would similarly conflict with paragraph 127 of the Framework and the SPD.

Other Matters

14. While the Council referred to Policy CP4 of the Core Strategy in its reasons for refusal, it is considered the policy is not applicable in this case as it concerns residential density in a numerical respect and the proposal would have no effect in this regard.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

APPOINTED PERSON