
Appeal Decision

Site visit made on 8 September 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/Y1110/W/20/3253143
14 and 15 St James' Road, Exeter EX4 6PY

- 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 and Mrs Phillips against the decision of Exeter City Council.
 - The application Ref 19/0899/FUL, dated 22 April 2019, was refused by notice dated 5 December 2019.
 - The development proposed is creation of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In my formal decision I have used the description of development as it appears on the Appeal Form and the Decision Notice, in preference to how it appears on the application form, because it more accurately reflects the proposals.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character or appearance of the St Sidwell's Conservation Area and upon the existing tree on the site; and
 - The effect of the proposal upon the living conditions of surrounding and future residents, with particular regard to the provision of amenity space.

Reasons

Conservation area

4. Part of the appeal site comprises an overgrown, unused parcel of land accessed from Well Street. Due to the significant change in levels across the site, this area is surrounded by a substantial retaining wall. The remaining portion of the appeal site sits above this area and forms part of the rear garden of Nos 14 and 15 St James' Road. Both these properties are currently in use as a residential care home.
5. The site lies within the St Sidwell's Conservation Area (CA), with the north-western boundary of the appeal site also forming the extent of the CA. The St Sidwell's Conservation Area Appraisal and Management Plan (June 2007) identifies the area as consisting predominantly of 19th Century suburban terraced developments. Well Street is identified as having a combination of

styles and characteristics, but nonetheless having architectural and historic associations with the rest of the CA. The significance of the CA is therefore derived from the identifiable building pattern and the historic fabric and vernacular details of the buildings within it.

6. The proposal would introduce a two-storey building, comprising two dwellings fronting onto Well Street. The dwellings would be set back from the pavement and separated behind low level planting and a wrought iron fence. A shared garden space to the rear would be provided, accessed via external steps. The properties would have matching pitched roofs and detailing and be a mix of render and brick, with a slate roof. Space for refuse and cycle storage would be provided either side of the building.
7. The predominate land use along this side of Well Street is the rear garden areas associated with the properties along Oxford Street. Whilst the opposite side is more traditional in appearance with a row of terrace properties, this side of Well Street appears as an area of backland, with buildings consisting of single storey garages or ancillary outbuildings. The provision of a two-storey building would introduce a form of development that would discordantly rise above the existing single storey buildings along this side of Well Street. Furthermore, it would be viewed as a visually obtrusive and incongruous form of development, out of keeping with the pattern and nature of development within the CA.
8. Within this part of the CA, the predominate development is terrace properties, set within reasonably long, but narrow plots. By comparison, the appeal properties would sit within a very tight and comparatively small plot. The siting and setting of the dwellings would therefore be out of keeping with the established character of the area and as a result, the scheme would appear cramped within the plot, indicative of overdevelopment of the site.
9. The host buildings and other residential dwellings around it, are good examples of the distinctive design and architectural detailing of the properties within the CA. The design of the proposed dwellings, whilst they would include some features and articulation of the elevations, overall would fail to compliment the architectural quality of the host buildings and others within the CA.
10. Whilst the current appearance of the appeal site is not of any significant architectural merit, the nature of the use is however, low key, functional and ancillary to the appeal dwellings. As such, it makes a neutral contribution to the character and appearance of the CA. In contrast, the proposed development would be none of these things. Rather it would be a large, readily perceivable, strident feature, which would be at odds with and harmful to the grain of the surrounding urban pattern.
11. On the southern boundary of the site is a large protected lime tree. Due to the proximity of the tree in relation to the proposed dwellings, and, in the absence of any evidence to the contrary, it is therefore likely that the windows in the south west elevation of the building and, to a lesser degree, the proposed communal garden space, would be shaded by this tree. This could potentially lead to pressure for the tree to be reduced or removed, which would have an adverse effect upon the character of the area. Reference is made to an approved application for the pollarding of this tree (16/1124/TPO), however no evidence has been presented to demonstrate how these works would reduce the potential for overshadowing of the site.

12. I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the St Sidwell's Conservation Area as a designated asset. Paragraph 196 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal.
13. I have considered the issue of the provision of two additional dwellings in terms of their contribution to the supply of housing in the area, as well as in respect to helping to support local services and facilities and provide investment during their construction. However, given the modest scale of the development, the associated benefit carries only limited weight relative to the harm and the associated development plan policy conflict identified above.
14. For the reasons outlined above, I therefore conclude that the proposal would not secure the protection of the existing tree on site and would fail to preserve the character or appearance of the St Sidwell's Conservation Area and it would cause less than substantial harm to its significance as a designated asset. In the absence of any significant public benefits to outweigh this harm, it would be in conflict with Objective 9 and Policy CP4 of the Exeter Local Development Framework Core Strategy (2012), Policy DG1(b,d,f,g,h) of the Exeter Local Plan First Review (2005), Policies EN5, D1(a,c), and SD3 of the St James Neighbourhood Plan (2013) and the Residential Design Guide SPD (2010) and The Framework. Amongst other things, these policies seek to conserve the local character and historic environment and protect existing trees. The proposed development would also conflict with the aims of The Framework as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm.

Living conditions

15. To serve the proposed dwellings, a communal garden area would be provided on what is now part of the shared rear garden of Nos 14 and 15 St James' Road. Future residents would access this space via a set of steps to the south-west of the proposed building.
16. There is disagreement between the parties as to whether the size of the shared garden area is sufficient to meet the required standards. Notwithstanding this, due to the topography of the appeal site, much of the shared garden would be overlooked from first floor windows of neighbouring properties, principally from 14 St James' Road, which would face directly onto this space. As a result, the amount of private useable space would be very small. Furthermore, given its relationship to the dwellings and the stepped access to this area, the proposed open space is poorly integrated with the development.
17. The proposal would diminish the amount of garden space available to the occupiers of Nos 14 and 15 St James' Road. However, due to the overall size of the area to be retained and its relatively private nature, the proposal would ensure the retention of sufficient space to meet the needs of the occupiers of Nos 14 and 15.
18. For these reasons, I therefore conclude that the proposed development would not provide adequate living conditions for the future occupants of the dwellings and, in this regard, would be contrary to the requirements of Policy DG4(a,b)

of the Exeter Local Plan First Review (2005), Policies D1 and SD3 of the St James Neighbourhood Plan (2013), the Residential Design Guide SPD (2010) and paragraph 127 of The Framework. These, amongst other matters, seek to ensure that new developments provide adequate living conditions for future occupiers.

Other Matters

19. My attention has been drawn to other considerations which weigh in favour of the proposals. These include the car free nature of the proposed scheme and the relationship between the use of the host buildings and the potential to offer past residents the opportunity to live independently. I have taken these points into account; however, they do not outweigh the harm I have found in respect of the impact of the scheme upon the CA or upon the living conditions of future residents.

Conclusion

20. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR