
Appeal Decisions

Site visit made on 16 November 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal A Ref: APP/Y1110/W/20/3257156

4, Oxford Road, Exeter, Devon, EX4 6QU.

- 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 Keith Ives against the decision of Exeter City Council.
 - The application Ref. 20/0582/FUL, dated 12/5/20, was refused by notice dated 19/6/20.
 - The development proposed is an electric vehicle charging station.
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Appeal B Ref: APP/Y1110/Y/20/3257153

4, Oxford Road, Exeter, Devon, EX4 6QU.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Keith Ives against the decision of Exeter City Council.
 - The application Ref. 20/0583/LBC, dated 12/5/20, was refused by notice dated 19/6/20.
 - The works proposed are an electric vehicle charging station.
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Decisions

1. These appeals are dismissed.

Preliminary Matters

2. The Council and the appellant agree that the proposals would result in less than substantial harm to the significance of the grade II listed building at 4, Oxford Road¹ and to the significance of the St. Sidwells Conservation Area (SSCA)².
3. The National Planning Policy Framework (the Framework)³, amongst other things, provides that great weight should be given to the conservation of designated heritage assets. Where a development would lead to less than substantial harm to the significance of such assets this must be weighed against any public benefits.

Main Issue

4. Given the above, the main issue in both appeals is whether any public benefits of the proposal would outweigh the less than substantial harm to the significance of 4, Oxford Road and the SSCA.

Reasons

Planning Policy

5. The development plan includes the Exeter City Council Core Strategy (CS) adopted in 2012 and the Exeter Local Plan First Review 1995-2011 (LP)

¹ Listed as part of the terrace at 4-18 Oxford Road.

² Sections 16(1)/66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ This is an important material consideration that carries substantial weight in determining planning applications.

adopted in 2005. The most important objectives/policies to the determination⁴ of appeal A are CS objectives 1 (low carbon economy) and 8 (historic character) and LP policies C1 (conservation areas), C2 (listed buildings⁵).

6. My attention has been drawn to BS 7913:2013 'Guide to the conservation of historic buildings'. This is intended to provide general background information on the principles of the conservation of historic buildings and sites, when setting conservation policy, management strategy and procedures. It does not comprise planning policy and pre-dates the Framework. It has limited weight.

Significance of 4, Oxford Road and the SSCA / Less than Substantial Harm

7. The significance of the row of three storey, early 19th century houses at 4 – 18 Oxford Road (even numbers only) is derived from its special architectural and historic qualities. These include the plan form, red brick walls and contrasting bands of pale cream bricks, timber sash windows, doorways and original fabric.
8. The enclosed garden spaces⁶ at the front of this fine Georgian terrace assist in retaining much of the original plot layout⁷ and contribute to the consistency in form and appearance of this important row. These spaces also provide a transition between the public and private zones and help maintain a sense of grandeur. This is a key element of the setting of this listed row and assists in affording an appreciation and understanding of the significance of this designated heritage asset.
9. The SSCA is a sizeable area that is predominantly made up of terraced houses. As set out within the Council's Conservation Area Appraisal⁸, the listed terrace at 4-18 Oxford Road makes a positive contribution to the special architectural and historic qualities of the area. With the exception of the parking space in front of No.6, the enclosed front gardens to these properties adds interest to the street scene. I also note that the appeal site lies within an important view as identified within the SSCA.
10. The existing boundary walls to No.4 are not original. I understand that they were recently constructed following enforcement action undertaken by the Council. The proposal, which includes removing the roadside brick wall, would not entail the loss of any important historic fabric. Nevertheless, I agree with the Council that the proposal, which would create a parking space in the existing front garden, would remove the garden enclosure at the front of No.4 and, in effect, annex this private garden area to the public realm.
11. The loss of enclosure and the presence of a parked motor vehicle within the former front garden to No.4 Oxford Road would disrupt the transition between the private and public zones and diminish the sense of grandeur. It would add clutter to the front garden of this important building and detract from an appreciation and understanding of its heritage interest. It would also have an adverse effect upon the street scene and be a minor detractor in the important view along Oxford Road. The proposal would fail to preserve the setting of this

⁴ The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.

⁵ This policy does not reflect the 'heritage balance' set out within the Framework. This would limit the weight to be given to any conflict with this policy.

⁶ The roadside wall to no.6 was removed many years ago to create off-street parking spaces. I note from the officer's report that the Council is unclear whether these works took place before the terrace was listed in 1974.

⁷ The land on the opposite side of the street may also have once formed part of the front gardens to this terrace.

⁸ This document identifies the special character of the area and has been subject to public consultation. I afford it moderate weight.

listed building and would erode the significance of Nos. 4-18 and the contribution this row makes to the SSCA. It would conflict with the provisions of CS objective 8 and LP policies C1 and C2.

12. Whilst my decisions do not turn on it, the proposal, if approved, could also make it difficult for the Council to resist similar requests to remove other front garden walls in the remainder of this terrace and within an area where there is likely to be much pressure for off-street parking. This would result in cumulative harm to the significance of this listed row and the SSCA.
13. I agree with the main parties that, in the context of the Framework, the proposed development would result in less than substantial harm to the significance of the above noted designated heritage assets. However, as noted above, this does not amount to a less than substantial planning objection. It weighs considerably against granting permission.

Public Benefits

14. The proposal would provide an electric vehicle charging point. This would assist in meeting the Government's ambitions for cutting greenhouse gas emissions and reducing the use of petrol and diesel vehicles. It would be consistent with objective 1 of the CS, paragraph 105(e) of the Framework and the thrust of the Exeter and Heart of Devon Low Carbon Task Force Electric Vehicle Strategy⁹. This public benefit weighs in favour of an approval and I afford it limited weight. It is also by no means certain that the electric charging point would be used or that other charging facilities are not/would not be available elsewhere within Exeter as the push towards phasing out new petrol and diesel cars gathers pace.

Heritage Balance/Overall Conclusions

15. When the public benefits of the proposals are weighed with the less than substantial harm to the significance of the listed building and the SSCA, I find that the balance tips firmly against granting permission/consent. These appeals should not therefore succeed.

Neil Pope

Inspector

⁹ This does not form part of the development plan and also appears to pre-date the Framework. It has limited weight.