
Appeal Decisions

Site visit made on 17 November 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 December 2020

Appeal A Ref: APP/Y1110/W/20/3250842

5 Friars Walk, Exeter EX2 4AY

- 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 Mrs Emma Bradbury against the decision of Exeter City Council.
 - The application Ref: 19/1742/FUL, dated 12 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is enlargement of existing porch and first floor bathroom.
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Appeal B Ref: APP/Y1110/Y/20/3255786

5 Friars Walk, Exeter EX2 4AY

- 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 Mrs Emma Bradbury against the decision of Exeter City Council.
 - The application Ref: 19/1743/LBC, dated 12 December 2019, was refused by notice dated 12 February 2020.
 - The works proposed is enlargement of existing porch and first floor bathroom.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for enlargement of existing porch and first floor bathroom, at 5 Friars Walk, Exeter EX2 4AY, in accordance with the terms of the application, Ref: 19/1742/FUL, dated 12 December 2019, subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for enlargement of existing porch and first floor bathroom, at 5 Friars Walk, Exeter EX2 4AY, in accordance with the terms of the application, Ref: 19/1743/LBC, dated 12 December 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as 1 – 8 Friars Walk.

Reasons

5. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
6. The appeal building is part of a listing that comprises 8 paired dwellings dating from 1840 and built in a Greek Revival style. The dwellings are paired to look like four detached villas, with central blind windows. This formal arrangement, enhanced by delicate details such as the incised lines along the quoin pilasters and around some of the windows, give the building group its architectural significance.
7. The buildings within the listing feature various side extensions, and many of these are two-storey. Some have a fairly unrefined appearance such as the small two storey block at the appeal property, which is not well proportioned and suffers from a crude detail around the edge of its roof. The way that the decorative cornice within the ground floor hallway of the appeal property stops short of the existing porch suggests that the existing extension is a later addition, or at the very least has been significantly modified.
8. At ground floor level the existing porch canopy would be removed. Evidence suggests that this is a later addition, and that a larger porch structure may have existed previously. Indeed, at my visit I saw that the columns did not match and that the arrangement at the head of the door was rather cumbersome. It lacks the refinement and precision seen elsewhere on the building. Other than the existing arched window and front door, which are likely to have been re-used from elsewhere in the building and would be reinstated in the proposal, the existing side extension appears to have limited historic significance.
9. The works would see the side extension replaced. The side elevation of the first floor component would be longer, which would give it a better relationship with the host building alongside its long side wall, and an improved overall proportion. The replacement extension would have a smaller front facing window to the first floor, with an improved window to void ratio. It would also have a more refined eaves detail.
10. Extending forward would bring the extension closer to the existing blind windows and the surrounding decorative incised lines. I agree that these are significant historic details and note that they have been lost elsewhere on other buildings within the listing. The area of blank wall to one side of these features would be reduced. However, sufficient space would be retained to ensure that these details would not be physically harmed. Furthermore, the two blind windows and surrounding details would still be easily seen, and I am satisfied that they would not appear crowded particularly as the building is approached from the north where one would look towards the front of the extension and the side of the existing building giving a good uninterrupted view of these features. The arrangement would be similar to the relationship between the blind windows and side extensions at Nos. 3 and 4 Friars Walk, although the lower blind window at the appeal property would not be obscured by a porch canopy as it is on these neighbouring buildings.

11. In summary, I am satisfied that the proposal would not cause harm to the significance of the listed building. It would thus preserve the special interest of the listed building, in accordance with the requirements of the LBCA and paragraph 193 of the National Planning Policy Framework (the Framework), which states that great weight should be given to the conservation of heritage assets. It would also accord with Saved Policies C2 and DG1 of the Exeter Local Plan (LP) and Policy CP17 and Objectives 8 and 9 of the Exeter City Council Core Strategy, which seek to ensure that development proposals are well designed and have special regard to the desirability of preserving the historic interest of the building.

Other Matters

12. The Council has referred to the effect of the proposal on the setting of the grade II* listed Colleton Crescent, to the south. The extension would be slightly larger than the existing extension and thereby slightly reduce the view of the rear of the terrace from Friars Walk, between the appeal building and its neighbour to the northwest. However, this is very much an incidental view of the rear of the terrace and appears to have little significance, and in any case the view would not be entirely obscured by the proposal. I am satisfied that the proposal would not harm the setting of this listed building.
13. The site is within the Southernhay and Friars Conservation Area. Although the Council has referred to Saved Policy C1 of the LP in its refusal reason it has made no reference to how the proposal would harm the conservation area in its submissions. I have found that the extension would not cause harm to the significance of the listed building, and, with regard to Section 72 of the LBCA, I am satisfied that it would also preserve the character and appearance of the conservation area.
14. The proposal would bring the building closer to the neighbouring building to the northwest, No. 4 Friars Walk. The first floor element of the proposal would still be well away from the neighbouring building. The ground floor portion of the proposal would have only a very modest impact on daylight and outlook associated with the arched windows to the side of the neighbouring building, enjoyed by its occupants. This matter is not sufficient to cause me to come to a different view on the acceptability of the proposal.

Conditions

15. I have had regard to the planning conditions suggested by the Council. I have considered the conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed additional conditions to ensure that the proposal is appropriately detailed and finished to avoid causing harm to the special interest of the listed building.

Conclusion

16. For the reasons above, appeal A and appeal B should be allowed.

Andrew Tucker

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/Y1110/W/20/3250842

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1016/FRW/LO-01, 1016/FRW/BK01, 1016-FRW EX01 A and 1016/FRW/PA01 Rev B.

Appeal B Ref: APP/Y1110/Y/20/3255786

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No works above ground level shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed render finish and stone capping to be used. The works shall be carried out in accordance with the approved sample, which shall not be removed from the site until completion of the works.
- 3) Before any new windows are fitted or existing joinery reinstated details of all new external joinery and repair or alteration to existing joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of a scale of at least 1:5, showing reveals, and surrounds including the surround for the reinstated front door. The works shall be carried out in accordance with the approved details.
- 4) Before any new eaves are constructed detailed section drawings at a scale of at least 1:5 showing the eaves profile, materials and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) No external plumbing or vents, including soil pipe vents, shall be fitted until details of such fittings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.