The Planning Inspectorate

Appeal Decision

Site visit made on 1 December 2020

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/Y1110/W/20/3256117
13C 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 Simon Crawford of KMC Properties Ltd against the decision of Exeter City Council.
- The application Ref 20/0465/FUL, dated 9 April 2020, was refused by notice dated 10 June 2020.
- The development proposed is change of use of building from office use to residential use.

Decision

1. The appeal is dismissed.

Procedural Matter

2. As referred to by the Council, there have been two previous appeals that relate to this site and which were dismissed, these being Refs APP/Y1110/W/17/3185301, for the change of use and conversion of what is currently referred to as No 13c into a dwelling with parking, and APP/Y1110/D/18/3206214 for the extension to the dwelling at No 13b by conversion of what again is currently referred to as No 13c from storage and erection of a covered link. Whilst I have determined this appeal on its own merits, in so far as there are matters that concerned those previous appeals that are relevant in this case, I have taken those decisions into consideration in the determination of this appeal.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for prospective occupants, with regard to the quality of internal accommodation and external amenity space.

Reasons

4. The appeal property comprises a detached single storey building to the rear of 13 St James Road, and positioned on one side of a small courtyard which is to the rear of No 13a and which also provides access to No 13b. That courtyard has been subdivided such that outdoor space for No 13c, shared at least in terms of access with 13a, has been segregated from space in front of No 13b.

5. No 13c itself is closely surrounded by high structures on three sides. As such, notwithstanding the presence of rooflights in the larger of the two proposed

bedrooms, the key outlook from the windows of those rooms would be to a high blank wall in close proximity. This would therefore have a highly overbearing, enclosing and oppressive effect when in those rooms. The living environment in the smaller of the two bedrooms in particular would be further reduced due to the substantial restriction the adjacent building structure would cause to the amount of sunlight and daylight reaching that room which does not have a rooflight.

6. The same degree of enclosure as referred to above is not present in terms of the outlook from, and daylight to, the proposed living room and kitchen which would face the courtyard, albeit that one of the windows relating to the proposed living room faces the side wall of No 13b in close proximity. Furthermore, in terms of outlook from those rooms, the degree of landscaping within the adjacent courtyard, as opposed to the expanse of tarmacadam referred to by my colleagues in relation to those previous appeals mentioned above, provides some visual relief and potential softening of an otherwise hard environment. The amount of direct sunlight to those north-west facing rooms would be limited by that aspect and the close proximity of No 13b but there would be adequate natural daylight. Therefore, in considering the above factors together, it is likely that adequate living conditions would be afforded in respect of those front rooms. However, this would not outweigh or deflect from the harm that I have otherwise found would be caused in respect of the proposed bedrooms, having regard to internal living conditions.

7. There would be external amenity space available for the use of prospective residents, within the courtyard and surrounding the other sides of No 13c. However, that space, apart from narrow sections to the rear and south-west of the building would be heavily overlooked in close proximity from the flats at Nos 13 and 13a, resulting in an unacceptable level of privacy. Furthermore, the space around the sides and rear of the building is very restricted in terms of its width and is highly enclosed by the overbearing adjacent buildings, factors which would combine to make it an oppressive environment for prospective residents to use. Regardless as to whether or not the quantity of outdoor space would meet the Council's minimum standard of 55 square metres, these factors together would result in unacceptable provision of external amenity space in terms of its quality.

8. The site is set within a densely developed residential location, including in respect of the flats at Nos 13 and 13a, and 13b. In this respect, I acknowledge that the courtyard area already has a degree of communal use which is highly overlooked. Furthermore, some of the rooms of flats in 13 and 13a have restricted rear outlook along with 13b which only has obscure courtyard facing windows. Nevertheless, my findings in respect of living conditions have been based on the consideration of the appeal proposal on its own merits, regardless of the quality of the living conditions of existing surrounding residents.

9. For the above reasons, the proposed development would provide unacceptable living conditions for prospective occupants, with regard to the quality of internal accommodation and external amenity space. As such, in respect of this issue, it would be contrary to policies DG4 of the Exeter Local Plan First Review (the Local Plan) and D1 of the Exeter St James Neighbourhood Plan (the NP), as well as the Council's Supplementary Planning Document: Residential Design, which together, amongst other things, set out that residential development should ensure a quality of amenity which allows residents to feel at ease within

their homes and gardens and that good design should provide sufficient external amenity space.

10. The Council, in its decision notice, also refers to policies CP17 of the Exeter City Council Core Strategy, DG1 and DG2 of the Local Plan and SD3 of the NP. However, those policies do not directly concern the living conditions relating to this main issue.

Other matter

11. The site is located within the St Sidwells Conservation Area (the CA). However, No 13c is not visible from public vantage points within the CA or visa versa, and in any case the proposals do not include any external alterations to the building concerned. As such, the proposed development would have a neutral effect on the integrity of the CA and would therefore preserve its character and appearance.

Planning balance

12. The proposed development would have the benefit of adding to the local supply, mix and choice of housing in an accessible urban location that would be in close proximity to the services and facilities necessary to support day to day living of prospective residents. It would also be close to local bus services providing transport linkage to the wider area and transport networks whilst also providing space for off-street car and cycle storage. The Appellant also highlights that the proposed dwelling would provide a cheaper form of accommodation for people requiring a city centre location.

13. However, the above benefits would be small relating only to a single dwelling and insufficient to outweigh my finding that there would be unacceptable living conditions for prospective occupants, with regard to the quality of internal accommodation and external amenity space. Furthermore, although the proposal would be utilising an existing building, I have no substantive basis to consider that its occupancy for residential purposes would be significantly more efficient a use of land than its permitted office use.

Conclusion

14. For the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR