



Appeal Decision

Site visit made on 8 December 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/Y1110/W/20/3258517

Land off Woodwater Lane, Exeter (Grid Ref 294993, 91666)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Bovis Homes Limited against the decision of Exeter City Council.
 - The application Ref 19/1303/OUT, dated 13 September 2019, was refused by notice dated 11 May 2020.
 - The development proposed is 2 dwellings including access, layout and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal relates to an application for outline planning permission. The application was originally for 4 dwellings with approval sought for access and scale. It was amended during the Council's consideration to be for 2 dwellings with approval sought for access layout and landscaping. That was the proposal determined by the Council, clarified on the decision notice and is reflected in my heading. It is the basis on which I have determined the appeal.
3. Indicative drawings have been provided suggesting a built form, levels and scale of dwellings for the site. I have treated these as illustrative, but considered those details relating to access, layout and landscaping as firm parts of the proposal.

Background and Main Issue

4. The Council refused the application for two reasons, the second of which related to highway safety. Having considered the appeal submissions, the Council is now content that a safe access to the site can be provided.
5. Therefore, the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

6. Woodwater Lane can be divided into three broad character areas. A lower section has a distinctly urban character, with a wide road and footpaths on either side. This gives way to a transitional area that leads to a section with a rural lane character, flanked by hedgerows and closed to vehicular traffic. The appeal site is within the transitional section which has formal, suburban development on one side.

7. The appeal site is on the opposite side to the suburban development where a number of trees and scrub contribute to a verdant and woodland character. Although many of the trees at the site are believed to be self-seeded, are of low quality and poorly maintained, the site is nevertheless a clear part of a wooded slope, that, despite a somewhat incongruous timber fence on adjoining land and dilapidated buildings within the site, is seen rising up steeply from the back edge of the highway. Woodwater Lane has now been clearly subsumed within an urban context. The area has no statutory designation, but the rural and transitional sections clearly retain elements of a rural past and provide a locally distinct part of the townscape.
8. The site is prominent in views along Quarry Park Road where it forms a green, landscaped backdrop. The topography is such that, other than at very close range, it is the upper reaches of the site that perform this function. The proposals to locate the dwellings on the lower parts of the site and plant a new woodland mix on the higher land would result in no harm the character and appearance of this suburban area. The houses, too, would be appropriately sited and at an appropriate density that would reflect other houses elsewhere on the wooded hillside.
9. However, the proposal includes significant modifications to the Woodwater Lane boundary. The provision of a footpath and retaining walls would be at odds with the existing character of this section of Woodwater Lane. They would effectively extend the strong urban form of the lower parts of the Lane into the transition area significantly harming its character and appearance. The effects would be localised, but so is the distinct part of the townscape that would be affected.
10. A new native hedgerow is proposed along the site frontage, but as this would be behind the footway and retaining walls, it would do little to mitigate the harm. Nor would new planting and improvements to species mix along the other site boundaries, or the woodland planting, which would be away from the highway frontage.
11. While some change would be an inevitable consequence of development, I nevertheless, find the proposals harmful for the above reasons. They would, therefore, conflict with those aims of Objective 9 and Policy CP17 of the Exeter Core Strategy 2012 (CS), and Policies H2 and DG1 of the Exeter Local Plan First Review 2005 that seek to reinforce local character and distinctiveness, ensuring that development is integrated into the existing landscape of the city.
12. The Council also alleges a conflict with CS Policy CP4 and LP Policy H2 which are concerned with achieving the highest possible density within environmental and highway constraints, and favouring previously developed land. The harm in this case would not be a consequence of the density of proposed housing, so there would be no conflict with these policies. However, this is a neutral consideration so, considering the policies together, I find conflict with the development plan considered as a whole.
13. Against this, the proposal would contribute to housing supply in an accessible location. The appellant contends that the Council can demonstrate only a 2.1 year supply of housing which is a substantial shortfall against the 5 year requirement. Given the number of dwellings, the benefits associated with the supply of housing, associated construction activity and future occupation would be small in themselves. Nevertheless, small developments can, cumulatively,

make an important contribution to housing supply and, so, against the substantial shortfall in supply, I give these benefits moderate weight.

14. There would be some ecological benefits from improvements to the species mix, and also to the longevity of the woodland planting. Nevertheless, as there is no substantive evidence that the existing situation is causing harm, I give these benefits only limited weight. The proposed footpath would provide some improved pedestrian connectivity along Woodwater Lane, but as the main continuous footpath is on the opposite side of the road and the footpath would still terminate at the site, this is of very limited benefit.
15. A larger scheme was previously considered to be acceptable by the Council's officers who felt that the proposal could not be resisted on visual impact grounds. However, it was subsequently refused and dismissed at appeal. As this, and a later conclusion in the Council's SHLAA that the site was suitable for development, related to a larger area of which the site was part, these assessments are of little weight in my decision.

Planning balance and Conclusion

16. The housing supply situation means that paragraph 11(d) of the National Planning Policy Framework (the Framework) applies. The Framework seeks to boost significantly the supply of housing but also impresses the importance of maintaining a strong sense of place, with development being sympathetic to local character.
17. I have attributed moderate weight to the benefits and found significant harm to the character and appearance of the area, and local distinctiveness. As such, I find that the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out at Framework paragraph 11.
18. The proposal conflicts with the development plan. With regard to the foregoing, other material considerations do not indicate a decision otherwise than in accordance with it.
19. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR