
Appeal Decisions

Site visit made on 19 January 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/Y1110/D/20/3261871

1 Chardstock Close, Exeter EX1 3UP

- 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 Sarah Wainwright against the decision of Exeter City Council.
 - The application Ref: 20/0423/FUL, dated 25 March 2020, was refused by notice dated 28 August 2020.
 - The development proposed is a rear first floor extension over conservatory to provide third bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension over conservatory to provide third bedroom at 1 Chardstock Close, Exeter, EX1 3UP in accordance with the terms of the application, Ref 20/0423/FUL, dated 25 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby approved shall in all respects accord strictly with drawing numbers: Site and Location Plans 20.14 SP 01, Survey 20.14 S 01 received by the Local Planning Authority on 27 March 2020 and drawing number: Proposals 20.14 P 01a received by the Local Planning Authority on 24 June 2020.
 - 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.

Main Issues

2. Although the Council have provided a single reason for refusal, this reason comprises a number of distinct parts. Accordingly, I have considered each part of the reason for refusal and the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area and on the host building; and,
 - Whether future occupiers would be likely to experience acceptable living conditions in terms of outdoor amenity space provision.

Reasons

Character and Appearance

3. The appeal site comprises a two storey end of terrace dwelling with associated external amenity space and detached garage. The site is positioned on a corner plot and is located in a residential area near to an arterial route which connects Exeter City Centre to the M5 motorway and the A30 highway.
4. The appeal proposal seeks to construct a first floor rear extension over the existing conservatory and to the rear of the host dwelling. As noted in the Council Officer's report, the conservatory is visible from within the wider surrounding area and, from observations made on my site visit, parts of the conservatory could also be seen close to the site and over a brick wall which separates the rear external amenity area from the adjacent footway and highway. It appears from my observations that conservatories were not a distinctive or common feature of the surrounding area and, in my view, the existing conservatory structure detracted from rather than complimented the character and appearance of the area and the host building.
5. The proposed extension would be modest in terms of mass and bulk and would appear as a subservient addition that would be of a scale appropriate to the host building. The appeal proposal would respect the host dwelling and surrounding nearby buildings in terms of height and scale. As the proposed extension would not extend to the full width of the host building, the staggered arrangement of the dwellings would be maintained. In these regards, the appeal scheme would compliment the character and appearance of the surrounding townscape, the adjoining terrace and the host building.
6. The evidence before me indicates that amendments were made during the assessment of the appeal scheme with regards to the use of external materials. In this respect, I concur that the use of cladding on external surfaces would be a visually discordant feature which would be harmful to local distinctiveness. Nonetheless, amendments have been made and assessed by the Council that proposed a change from cladding to brickwork that matches the external appearance of the host building and nearby dwellings. Subject to conditions which I shall return to below, I conclude that the proposed use of brick for the appeal scheme would reinforce local distinctiveness and would not be harmful to the character and appearance of the surrounding townscape, the adjoining terrace or the host building.
7. For the above reasons, the position, scale, massing and proposed use of materials of the proposed extension would not have a harmful impact on the character and appearance of the surrounding townscape, the adjoining terrace or the host building. Accordingly, the appeal scheme would comply with Objectives 8 and 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy (February 2012) (the Core Strategy) and would not conflict with Policy DG1 of the Exeter Local Plan First Review (2005) (the Local Plan) which, together and amongst other things, seeks to ensure development is of a high quality design that relates well to adjoining buildings and the character and appearance of the surrounding townscape, promoting local distinctiveness. For the same reasons the scheme would accord with the aims and objectives of the Supplementary Planning Document 'Householder's Guide to Extension Design' (2008).

Living Conditions

8. The surrounding residential area is somewhat densely arranged, and it is acknowledged that the host building and its nearby neighbours do not have permitted development rights with regards to householder extensions and alterations. From the evidence before me and from observations made on my site visit, the external amenity spaces serving dwellings within the immediate area are modest in terms of their size.
9. The Council maintain that the proposal would result in an unacceptable reduction of the amount of external amenity space at the appeal property. Nonetheless, the Council have previously approved the construction of the abovementioned conservatory at the appeal property which, whilst noting that the Council consider the conservatory to be a "form of semi-outdoor space", reduced the level of outdoor amenity space at the appeal site. In this regard, I do not concur that the conservatory contributes to the provision of outdoor amenity space at the appeal site and, in my view, the construction of the proposed extension to be positioned directly above the conservatory would not result in the loss of any additional external amenity space.
10. In my view, based on the evidence before me, the appeal proposal would not result in the additional loss of external amenity space at the appeal site and would not be harmful in this regard. As noted above, the appeal site occupies a corner plot where the garden area wraps around the rear of the house and I saw on my visit that the appeal site is located in very close proximity to an area of open space. In these regards, the proposal would provide adequate levels of external amenity space at the appeal property which appears to be comparable in terms of area with the garden spaces provided for nearby dwellings, with future occupiers also having the benefit of more open space near to the site.
11. In light of the above reasons, the appeal proposal would not conflict with Objective 3 of the Core Strategy nor would conflict with Policy DG4 of the Local Plan which, together and amongst other matters, seek to ensure that development provides opportunities for residents to live in decent homes of a suitable type and provide a quality of amenity which allows residents to feel at ease within their homes and gardens.

Other Matters

12. The Council's Officer Report also highlights concerns that the appeal development, if permitted, would set a precedent for similar extensions in the area. However, I have nothing before me to indicate there is a likelihood of this happening. I have considered this appeal on its individual merits and any future development proposals for similar structures in the area would have to be considered in a similar way. The particular circumstances relating to the appeal proposal, such as amount and arrangement of external amenity space as well as the scale of the extension in proportion to the host building, would be unlikely to be repeated elsewhere. Consequently, I do not consider that the appeal proposal would create a harmful precedent for similar proposals in the area.
13. Interested parties have also raised concerns regarding loss of privacy and noise disturbance. In these respects, it is noted that the appeal site is located within a relatively densely arranged residential area and, consistent with the findings

of the Council, I do not consider the noise disturbance from extra potential residents at the appeal property would be significant or result in unacceptable living conditions for neighbouring residents.

14. Furthermore, whilst an upper floor window within the proposed extension would afford some overlooking of the neighbouring garden, there is already a degree of overlooking afforded by the existing first floor window in the rear facing elevation of the building on the appeal site. I consider that the introduction of a first floor extension to the appeal site would not alter the degree of overlooking that currently exists in this location, nor result in an unacceptable loss of privacy for nearby or neighbouring residents.

Conditions

15. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. Whilst noting that amended plans do provide some details of materials to be used, in order to ensure the protection of the character and appearance of the surrounding area and the host dwelling, I am also attaching a condition requiring materials used in the construction of the external surfaces of the development to match those used in the existing building.

Conclusions

16. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR