



Appeal Decision

Site visit made on 23 February 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/Y1110/W/20/3262738

5 Gordon Road, Topsham EX3 0LJ

- 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 & Mrs Pym against the decision of Exeter City Council.
 - The application Ref 20/0332/FUL, dated 9 March 2020, was refused by notice dated 25 September 2020.
 - The development proposed is erection of attached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area;
 - the living conditions of future occupiers, with particular regard to the adequacy of external amenity space; and
 - the living conditions of neighbouring occupiers at No 5 Gordon Road, with particular regard to loss of outlook and light.

Reasons

Character and appearance

3. The appeal site is formed from the side garden of a corner plot dwelling within a housing estate from the inter-war period. The host dwelling also benefits from an enclosed rear garden and is one of around four dwellings in the immediate locality which also have similar side gardens, some enclosed with high hedging. The wider surrounding estate has quite a formal arrangement with a moderate density of housing.
4. The appeal proposal involves the creation of an end-of-terrace dwelling alongside No 5 Gordon Road. The dwelling would be narrower but deeper than the existing dwelling and would include two bedrooms. The single parking space would be provided to the front of the dwelling and it would have some garden to the side, enclosed by a lower 1.2 metre fence, with some side garden and rear garden enclosed by 1.8 metre high fencing for privacy.
5. The layout of the estate with the open corners appears deliberate and there is a clear distinction between the urban form, the open frontage and side gardens and the public realm. Although there is a high demand for on-street parking, the area has a spacious quality to it and a rhythm in the street pattern. The

introduction of a dwelling onto the end of a terrace would undermine the existing coherent street pattern. As a separate dwelling of irregular proportions relative to the surrounding dwellings, the proposal would appear contrived and cramped and sited in a manner that would detract from the openness of the garden in its current form.

6. Whilst I accept that some corner plots have been extended upon, those examples did not result in separate dwellings of irregular proportions to their neighbouring counterparts. The extensions would have been in scale with their respective host dwellings and are unlikely to have been as bulky as the proposal, nor requiring their own additional specific parking provision, private garden or other domestic paraphernalia. The examples provided in relation to the construction of separate dwellings within the wider area do not appear to relate to locations that are as prominent as the appeal site.
7. I accept that there are some existing parking spaces to the side of the host dwelling and the number of spaces proposed would not strictly represent an increase. However, the parking would be located to the front of both dwellings there would be an inevitable increase in the number of vehicles. Combined with the introduction of additional boundary fencing of 1.8 metres in height along part of the side boundary and within the side garden itself, these aspects would result in a cluttered appearance within the street scene.
8. Thus, in view of this main issue, the proposal is harmful to the character and appearance of the area and therefore conflicts with Objective 9 and Policies CP4 and CP17 of the Exeter Local Development Framework Core Strategy (2012) (Core Strategy) and Policies H2, DG1 and DG6 of the Exeter Local Plan First Review (2005) (LP). These Policies seek, amongst other things, to create and reinforce local distinctiveness and raise the quality of urban living through excellence in design.

Living conditions of future occupiers

9. The garden area for the dwelling would be in three distinct parts. A side garden, exposed to the public realm albeit enclosed by a 1.2 metre fence, measuring approximately 60 sqm. A rear garden between the rear elevation and the boundary of No 2 Haldon Close, enclosed by a 1.8 metre fence and measuring approximately 25 sqm. A further extent of garden would adjoin the both rear and side gardens. It would measure approximately 33 sqm with partial 1.8 metre enclosure and partial 1.2 metre enclosure.
10. The extent of garden that would be private would be 25 sqm, but this is too small an area to be capable of being enjoyed for sitting out and recreational purposes. Policy DG4(b) of the Local Plan seeks a good quality of amenity in new residential developments and the Residential Design Supplementary Planning Document (2010) (SPD) explains that this means a minimum 45 sqm of amenity space for a 2 bedroom dwellings located towards the private, non-main entrance side of the dwelling and with a separate side or rear access. Due to the exposure of the extent of side garden measuring 33 sqm, it would not meaningfully count towards the requirements for a suitable outdoor amenity area. Furthermore, the overall useability of the gardens and aesthetic quality would be compromised by the nature of the separation.
11. In view of this main issue, the proposal would fail to provide adequate living conditions for future occupiers owing to the shortfall and limited quality of

external amenity space. The proposal therefore conflicts with Objective 3 of the Core Strategy and Policy DG4 of the LP which collectively seek to ensure that residents to feel at ease within their homes and gardens and that gardens are of a suitable type, size and tenure for their needs. For similar reasons, it would also conflict with the SPD.

Living conditions of neighbouring occupiers

12. The narrower, deeper dwelling would be situated on the shared boundary with No 5 Gordon Road and its full two storey height would extend approximately 2.5 metres beyond the rear elevation of the host dwelling. This additional rearward projection would alter the outlook and amount of light received in the windows and would affect the enjoyment of the part of the garden closest to the house.
13. Whilst the current occupiers of the host dwelling may not object to such outcomes, and despite the suggestion that there would not be a technical breach of the daylight and sunlight guidance¹, the overall effects from its siting, scale and mass would still be unneighbourly, affecting outlook, light and the enjoyment of both internal and external spaces.
14. In view of the above, the proposal would fail to protect the living conditions of neighbouring occupiers at No 5 Gordon Road and therefore conflicts with Policies DG1, DG4 of the Local Plan and Objective 9 of the Core Strategy, which collectively seek to ensure that the height and volume of buildings relates well to adjoining buildings in the local townscape, ensure a quality of amenity for residents and contribute to excellence in design.

Other Matters

15. The appeal site is within influence of the Exe Estuary and East Devon Pebblebed Heaths Special Protection Areas (the protected sites). Likely significant effects (LSEs) on the features of interest of the protected sites from residential development in this location, both individually and cumulatively with other schemes, cannot be ruled out.
16. There is limited evidence to suggest that the LSEs could be mitigated through contributions to collected through the Community Infrastructure Levy (CIL), which the appellant has indicated would be paid. It is unclear whether there is a need for further mitigation or contributions to be collected outside of the CIL regime, or how specifically the CIL proportion would be paid if the appellant were to claim a CIL exemption.
17. However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the sufficiency and certainty of any mitigation measures within an Appropriate Assessment.
18. I note that the appellant would accept the imposition of the conditions suggested by the Council, even in respect of the additional building energy efficiency requirements. The use of planning conditions and enhanced environmental credentials of the building would not be sufficient to overcome the identified harm outlined above.

¹ BRE: Site Layout Planning for Daylight and Sunlight: a guide to good practice as referenced in the Householders Guide to Extension Design (2008)

19. Whilst I note that a relevant covenant could be removed in order to allow the proposal to proceed, neither this, nor any view expressed by the Council at pre-application stage is determinative in this case.

Planning balance and conclusion

20. The proposal would deliver a sustainably located dwelling to the local housing stock and would boost the supply of smaller dwellings. This would generate both social and economic benefits, with additional economic input during the construction phase and subsequently, through the use of future occupiers reliance on local facilities and services. I attribute these benefits minor weight.
21. However, these benefits are not sufficient to outweigh the harms identified above and do not dictate that the decision should be taken other than in accordance with the development plan, when read as a whole.
22. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR