

Appeal Decision

Site Visit made on 12 May 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal Ref: APP/Y1110/W/21/3269321

22 Ridgeway, Exeter EX4 5AR

- 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 S Hardes against the decision of Exeter City Council.
 - The application Ref 20/0708/FUL, dated 10 June 2020, was refused by notice dated 13 October 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development that appears on the appeal form differs from that on the application form. Although the version on the appeal form was agreed with the Council, the appellant's Statement of Case questions its accuracy. I have therefore used the original description from the application form.

Main Issues

3. The main issues are:
 - a) The effect of the development on the character and appearance of the area;
 - b) Whether the development would provide suitable living conditions for future occupants with regard to outlook and private outdoor amenity space; and,
 - c) The effect of the development on the living conditions of the occupants of neighbouring dwellings with regard to outlook and privacy.

Reasons

Character and appearance

4. 22 Ridgeway lies in a steeply sloping crescent of bungalows, which are set back behind front gardens that are generally enclosed by low brick walls. There is a uniformity in the external materials, which are predominantly red brick and concrete roof tiles, with limited areas of render. The topography dictates that the ridge heights vary, but in all cases, the eaves are set just above the head of the ground floor windows. As the dwellings all follow the line of the road, and are set back a similar distance, there is a coherent sweep of eaves and ridges down the slope and around the curve of the road. There is some variety in the

detailed configuration of the bungalows, but the general consistency in design, scale, materials, and layout gives the area a distinctive character.

5. The appeal site comprises the side garden of the property, and is a roughly triangular area that results from the bungalows at Nos 20 and 22 running parallel with the inside of the bend in the road. The diminishing width of the plot to the rear limits the extent to which the proposed dwelling could be set back into the site. As a result, the front gable would project beyond a natural building line following the curve of the road between Nos 20 and 22. It would also be an uncharacteristic feature. Although small projections beyond the principal elevation of the bungalows are common, as at No 20, they are invariably hipped, thereby reducing their dominance. The gabled nature of the projection, coupled with its position beyond the building line, would make it a prominent feature in the street scene. Its intrusion into the open sweep of the frontage around the bend in the road would harm the character of the area.
6. The restrictive shape of the site also results in the southeast facing gable being truncated to fit within the site boundaries. Consequently, it would be asymmetric, with an uncharacteristically high eaves level on its southwest elevation. Although this would be to the rear, the angled position of the dwelling, on the inside of the curve, means that it would be readily visible in the gap between buildings. The contrived nature of the gable would not be in keeping with the coherent character of the surrounding bungalows, and would be an incongruous feature in the street scene.
7. I acknowledge that the overall ridge height of the dwelling would represent a natural stepped progression down from No 22 to No 20. However, the ridge would not align with the ridges of these two dwellings. The apex of the north-western gable would jut forward of the ridge of No 20. As a result, the gable would appear as a dominant feature in the street scene when viewed from the west, alongside the much lower hipped roof of No 20. Consequently, it would be a disruptive feature in the otherwise coherent sweep of ridges down the slope and around the curve of the road.
8. The use of white render would be out of keeping with the predominant red brick that characterises the area, and would serve to draw attention to the already incongruous siting, design, and form of the dwelling. It is contended by the appellant that the brick dwellings in the area could be rendered or painted as permitted development, but I saw no evidence that this has happened, or is likely to do so in the future. Had I been minded to allow the appeal, a condition could have been imposed to require approval of external materials. However, such a condition would not have overcome the harm to the character and appearance of the area that I have identified above.
9. I am mindful that both Policy CP4 of the Exeter City Council Core Strategy (2012) (the Core Strategy), and section 11 of the National Planning Policy Framework (the Framework) seek to make effective use of land in meeting the need for homes. However, in both cases, this needs to be compatible with safeguarding the character and quality of the local environment. I have found that the restricted size and shape of the plot has resulted in the dwelling being of a contrived design, that would be a prominent feature in the street scene, and would be out of keeping with, and harmful to, the established character of the area. The proposal would, therefore, be contrary to Objective 9 and Policies CP4 and CP17 of the Core Strategy and Policy DG1 of the Exeter Local Plan

First Review 1995-2011 (2005) (the Local Plan). Taken together, these policies seek to ensure that development is compatible with the character of the local environment and reinforces local distinctiveness.

Living conditions for future occupants

10. The restricted size and shape of the site results in the dwelling having a triangular rear garden that would be much smaller than is typical of the area. The appellant argues that 100 square metres of outdoor amenity space would be provided, which exceeds the 55 square metres that is required by Policy DG4 of the Local Plan. However, approximately half of this space would be at the front of the dwelling, and only enclosed from the pavement by a low boundary wall. As a result, it would not be a private outdoor space within which occupants could feel at ease.
11. The rear garden would not only be restricted in size and shape, it would also be overlooked at very close quarters from the ground floor sitting room window in No 22. Due to the difference in levels, this window would provide commanding views into the entire rear garden, which could not be prevented by standard two metre domestic fencing. The space would also be overlooked, albeit to a lesser extent, from the dormer window in the side roof slope of No 20. The rear garden would, therefore, provide occupants with a poor standard of privacy.
12. The only part of the garden where privacy could be obtained would be a small area to the east, between the rear gable and the side elevation of No 22. However, this part of the garden would be in shade for most of the day. Therefore, whilst there would be outdoor space around the dwelling exceeding the 55 square metre figure referred to in the supporting text of Policy DG4, very little of it could be described as private garden space. The proposal would not, therefore, provide occupants of the dwelling with suitable private outdoor amenity space.
13. There is little dispute between the parties regarding the suitability of the internal living conditions that would be provided. The master bedroom would only be lit by rooflights and high-level windows, so occupants of this room would not have downward views out of these openings. However, they would allow light and ventilation to reach the room from all four directions, as well as providing outward views to the sky. As it would be a bedroom, it would be unlikely to be occupied for long periods of the day, and the occupants would have access to other parts of the dwelling that would provide suitable outlook. The proposal would, therefore, provide an acceptable level of outlook from within the property.
14. However, future occupants would have insufficient private outdoor amenity space. The proposal would, therefore, be contrary to Objective 3 of the Core Strategy, and Policy DG4 of the Local Plan, which seek to ensure that residential development provides a quality of amenity which allows residents to feel at ease within their homes and gardens.

Living conditions of the occupants of neighbouring dwellings

15. The dormer window in No 20 looks towards the appeal site from a position close to the boundary. There would be a rooflight in the roof slope of the rear gable that would look towards this dormer from a distance of less than 10 metres. However, the cill level of the rooflight would be 1700mm above the

floor level of the room, so occupants would not be able to look down towards the dormer window. There would, therefore, be no loss of privacy to the occupants of No 20.

16. One of the rooflights on the opposite side of the gable would be at a lower level, as it is required for means of escape purposes. Consequently, occupants would have views out of this opening over the rear garden of No 22, which would have some impact on the level of privacy enjoyed by the occupants of that property. However, had I been minded to allow the appeal, any harm in this regard could have been overcome by the imposition of a planning condition requiring the lower rooflight to be obscure glazed.
17. The Council's reason for refusal also refers to the overbearing impact of the development on the occupants of neighbouring properties. However, the delegated report does not refer to this issue, and no evidence has been submitted to clarify the concerns in this regard. The dwelling would be at a lower level than No 22, and the windows in the side elevation of No 20 would retain a reasonably open outlook. Therefore, notwithstanding my findings on the prominence of the dwelling in the street scene, I do not find that the relationship with the adjacent dwellings would result in an overbearing impact that would harm the residential amenity enjoyed by their occupants.
18. I therefore conclude that the development would not have a harmful impact on the living conditions of the occupants of neighbouring dwellings. Consequently, in this regard, the proposal would accord with Policy DG4 of the Local Plan.

Planning Balance

19. The appellant states that the Council cannot demonstrate a five-year supply of deliverable housing sites, and this position has not been contradicted by the Council. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii of the Framework should be applied.
20. The Local Plan and the Core Strategy date from 2005 and 2012 respectively, but the weight to be attached to them does not hinge on their age. Paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. Section 12 of the Framework seeks to achieve well-designed places. Paragraph 127 c) says developments should be sympathetic to local character, including the surrounding built environment. Paragraph 127 f) says developments should create places with a high standard of amenity for future users. I see no fundamental conflict between these aims and those of Policies CP4 and CP17 of the Core Strategy and DG1 and DG4 of the Local Plan. The conflict between the proposal and these development plan policies should, therefore, be given significant weight in this appeal.
21. Set against the harm that I have identified, there would be limited social and economic benefits associated with the development. The Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes. In this regard, the site is in a location which is sustainable, through limiting the need to travel, and offering a choice of transport modes. However, the benefits of one additional unit would make little difference to the overall housing supply situation, and the support that one extra household would provide to the local economy would not be significant.

22. Consequently, the adverse impacts on the character and appearance of the area, and the living conditions of future occupants, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR