



Appeal Decision

Site Visit made on 14 June 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2021

Appeal Ref: APP/Y1110/W/21/3268493

Chancel Lane, Exeter, EX4 8JF

- 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 Mr D Squires against the decision of Exeter City Council.
 - The application Ref 20/1032/OUT, dated 10 August 2020, was refused by notice dated 3 February 2021.
 - The development proposed is an outline planning application for five dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline with access for consideration at this stage and appearance, landscaping, layout and scale reserved for future consideration. The application was accompanied by an illustrative layout, including showing parking and turning areas, as well as a cross sectional plan and tracking diagrams, and I have had regard to these plans as to what the appellant has in mind for the development.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, having particular regard to the density of development, parking and turning, and opportunities to landscape the site, and
 - whether the proposed development would create acceptable living conditions for future occupiers, having particular regard to the quantity and quality of private amenity space, including the provision of ancillary storage space.

Reasons

Character and appearance

4. Most of the site is a reasonably level and grassed area of land at the base of the road embankment and adjoining the railway line. The site falls within the built up area of Exeter, with the housing nearby in Venny Bridge being mainly two storey semi-detached and terrace dwellings. There are business buildings and commercial yard areas to parts of the western side of Chancel Lane and a mixed use area, including housing, flats and commercial buildings north of the railway line. Consequently, the character of the area is quite varied with a mix of residential buildings with some, such as the flats built at a reasonably high density.

5. Outline planning permission has been granted for three dwellings on the site and this included agreement to the position and width of the vehicular access from Chancel Lane. These similar access details form part of the present scheme for five dwellings.
6. The sloping access into the site would need to be supported by some form of embankment or retaining walls and this is likely to be quite a conspicuous feature of the development of the site. However, it has been approved as part of the earlier outline scheme and is a necessary part of any proposal to provide safe access to the site.
7. In conjunction with the ramped access, the extent of parking and turning areas shown on the illustrative plan would be an overly dominant component of the development of the site. Reasonably limited space is shown to be provided in the vicinity of the dwellings for landscaping to soften the impact of the hard surfaces. Furthermore, it appears that the footprint of the dwellings on the illustrative plan would be quite deep and also fairly wide. The application form sets out that the units would all be 3 bedroom houses. This illustrative likely size of the units and the dominant hard surfaced areas, even with attractive surfacing materials, would form an overly intensive development that would not appear as a positive addition to the site. Such a scheme would thereby detract from the appearance of the area even taking into account the mixed character and density of the surroundings.
8. However, I am very conscious that the layout plan, with the associated footprint of the dwellings, is only illustrative as to one way in which the scheme could be designed. The details of appearance, landscaping, layout and scale are all reserved for future consideration. Nevertheless, if I am to grant outline planning permission for five dwellings on the site, then I need to be satisfied that details at the reserved matters stage would be capable of providing an acceptable development of the site.
9. The site lies within a built up area and would be accessed separately from Chancel Lane. Therefore there is the opportunity to create a development with its own identity providing it functions well and adds to the overall quality of the area, as required by the National Planning Policy Framework (the Framework). Additionally, the embankment part of the site, although not likely to be able to be used as garden space, could provide an area of structural planting that could assist with the provision of landscaping for the scheme.
10. However, because of the position of the access point, and the need to provide the access ramp at an appropriate angle, this would limit the options for alternative layouts to accommodate five dwellings. It seems to me that alternative layouts to try to address the concerns which I have identified with the illustrative layout would also be likely to have similar characteristics and that, in all probability, the development of the existing level areas of the site would be dominated by hard surfaces and the buildings. I do not consider that a comprehensive landscaping scheme on the embankment and other details of the reserved matters would be able to adequately mitigate this likely harm. Even taking into account the wider built context and the mixed quality of some of the surroundings, the resulting impact of the likely configuration of any development on the site for five dwellings would be harmful to the appearance of the site and conflict with the requirement to achieve well-designed places.

11. Outline permission has been granted for three dwellings. This scheme, while it is likely to have some similar features and layout to any scheme for five dwellings also appears, from the illustrative plan, would be less dominated by hard surfaces and buildings and that there would be more opportunity for landscaping to soften the impact of the proposal. The three dwelling scheme is a realistic fallback option and would be preferable, in terms of the impact on the character and appearance of the area, to the appeal scheme. I therefore attach limited weight to the approved scheme in justification for the present proposal.
12. Drawing these matters together, I conclude that the evidence and constraints on the site does not satisfy me that the details at the reserved matters stage would be able to demonstrate an acceptable scheme for five dwellings could be accommodated without harm to the character and appearance of the area. In particular, this is because of the density of the development that would likely lead to a layout dominated by hard surfaces and buildings and correspondingly would be liable to have insufficient space to provide suitable soft landscaping around these parts of the site. Accordingly, the development has not been demonstrated that it would be able to comply with Policies DG1 and DG4 of the Exeter Local Plan First Review (the Local Plan), Policy CP17 of the Exeter Core Strategy and the Framework which seek, amongst other things, that development be at the maximum feasible density taking into account site constraints and impact on the local area.
13. In coming to this conclusion, I have taken into account the advice in the National Design Guide and the Exeter City Council Residential Design Supplementary Planning Document (the Residential Design SPD) which explains best practice approaches to the design and layout of new development

Living conditions

14. Policy DG4 of the Local Plan seeks residential development to ensure a quality of amenity space which allows residents to feel at ease within their homes and gardens. The supporting text explains that private garden space may vary in size but should not normally be smaller than 55sqm and in considering the garden size the orientation and scale of buildings will be taken into account. This is reinforced by the advice in the Residential Design SPD.
15. Looking at the illustrative layout plan, Plots 1 and 2 would have a reasonably short depth of rear garden with potentially a poor outlook. The private garden to Plot 1 would not appear to meet with the space standards. Plots 3 and 5 would have larger gardens and would appear satisfactory. However, Plot 4 would have a private garden that would face broadly north, would appear to be below the space standards and would have an outlook towards the railway line. Consequently, in particular with Plots 1 and 4, the private outdoor amenity space would seem to be unsatisfactory for a new build residential development.
16. As I have said above, I am very conscious that this is an illustrative plan and layout is a reserved matter. Nevertheless, also in respect of this matter, I need to be reassured at this stage that if permission was to be granted then the reserved matters would be capable of creating a layout with satisfactory and policy compliant living conditions for future residents. The illustrative layout does not reassure me on this matter. I consider that alternative layouts, because of the need to provide car parking and turning to the appropriate standards and the probable resulting position of the dwellings, would be liable

to result in other parts of the site being limited in size. As a consequence, it is probable that this would not enable the provision of private garden spaces to all the units to be to an acceptable standard. I have not been presented with clear and convincing information that persuades me otherwise.

17. As previously explained, the outline approval for three dwellings is a fallback position. That illustrative plan shows a scheme with reasonable sized garden areas and with the buildings generally set further in from the boundaries. Although this layout plan is also only illustrative it helps demonstrate that a scheme would be feasible to provide future residents with adequate private amenity space. Consequently, in this respect, the approved outline scheme is preferable to the appeal proposal. Accordingly, I give limited weight to the approved outline application as a justification for the appeal scheme in relation to this main issue.
18. The reason for refusal also raises concerns with the need to provide ancillary facilities such as refuse, cycle and garden storage. There can be more flexibility with the location of these types of ancillary storage and buildings and they do not always need to be in the rear garden to be effective if considered as part of a comprehensive layout and design. I am satisfied that this type of requirement could be dealt with at the reserved matters stage to ensure compliance with the guidance in the Residential Design SPD.
19. Accordingly, I conclude that the ancillary storage space required for normal residential occupation could be addressed at the reserved matters stage. However, I also conclude that the evidence does not adequately demonstrate that the development of five dwellings on the appeal site could be laid out in such a way at the reserved matters stage to provide an acceptable quantity and quality of private amenity space for future residents and thereby acceptable living conditions. In this respect, the scheme would conflict with Policy DG4 of the Local Plan, the Residential Design SPD and the Framework which seek to provide a high standard of amenity for future users.

Conclusion

20. The scheme would provide an additional 2 dwellings to that already granted outline permission. The development of the site would provide a small boost to housing supply and it may be that, in terms of meeting local need, smaller family houses may be better suited to the area than the larger detached units of the approved outline scheme. The site would be provided with a safe and agreed access and would be in a location where occupiers would have good access to local services and facilities.
21. There would be economic and social benefits to the area during construction and in subsequent occupation. This windfall housing site would make efficient use of the land. The scheme could be delivered by a small or medium sized builder and add to the mix of housing in the area. However, as only five dwellings would be provided, and this would be two additional dwellings over the alternative fallback position, the cumulative benefits of the proposal merit only limited weight.
22. The collective harm that I have identified that is likely to result from the scheme, and the associated development plan conflict, are matters that I attribute substantial weight. It follows that the harm would not be outweighed by the benefits of the scheme.

23. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR