



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: 28 June 2021

Appeal Ref: APP/Y1110/W/21/3268124

36 Sheppard Road, Exeter EX4 5DD

- 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 H Orchard against the decision of Exeter City Council.
 - The application Ref 20/1036/FUL, dated 11 August 2020, was refused by notice dated 11 December 2020.
 - The development proposed is the construction of 2 bed dwelling house with parking and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area, and
 - whether the development would create acceptable living conditions for future occupiers having particular regard to outlook and outdoor amenity space.

Reasons

Character and appearance

3. The site lies within an established residential area with a mix of houses and bungalows set out in an estate like pattern of development. The properties have been constructed on a fairly steep valley side and the dwellings are sometimes positioned either above or below the road level. Most of the plots have some landscaped area that collectively contributes positively to the character of this residential area.
4. 36 Sheppard Road is a detached split level bungalow set up above the level of the road. It has a lower ground level garage and parking area which is similar to the adjoining dwellings on this side of the road. While these parking areas and the adjoining height of the facing walls appear as quite functional features in the street scene, the appearance of this run of bungalows are softened by the intervening planting to parts of the frontages, including at each end.
5. No 36 is positioned at one end of this run. A grassed bank extends from in front of part of the dwelling across to the side of the plot. Despite the fairly stark appearance of the fence at the top of the slope, this area provides a modest but reasonably pleasant green and largely undeveloped space which is experienced close to the entrance to this part of Sheppard Road. In particular, the grassed area, with only the fence behind it, provides a gap between

buildings and helps offset the hard surfaces of the plot frontage where the parking area is located.

6. The dwelling would have a similar design as the adjoining bungalow, would follow the same front building line and would have a slightly lower ridge height. There would be some landscaping that could be retained around part of the frontage to the new dwelling. However, this landscaped area would be limited by the extent of the dwelling on the plot and the layout which shows a parking space and stepped pedestrian access to the front door. The proposed dwelling, and especially the end gable, would be quite apparent on this curve in the road and would make the building, which would be elevated above the road, quite a dominant feature on the entranceway into Sheppard Road.
7. The position of the forward corner of the building would project in front of the present fence line and the adjoining rear corner would also be reasonably close to the back boundary. On this irregularly shaped site, with the proposed building reasonably close to the boundaries, the prominence of the end gable in the street scene and the limited extent of landscaping achievable, the resulting building would appear as an over intensive form of development on this restricted plot. This would result in the scheme appearing cramped on the site in comparison to the character of most of the nearby properties and thereby detract from the character and appearance of the area.
8. The scheme would also erode the contribution that the present space to the side of No 36 makes to the street scene and this would not be a positive aspect of the proposal.
9. I appreciate that design and layout efforts have been made to overcome the previous appeal dismissals for the schemes which proposed a dwelling on this site. Those decisions were some time ago although it appears that the character of the area has not changed markedly in the meantime. While the design of the dwelling in itself would not be out of place, for the reasons explained above, the provision of the dwelling on this constrained site would appear cramped and unduly harm the character and appearance of the area.
10. In the light of the above analysis, I conclude that the scheme would appear cramped on the site and, consequently, the development would be an unsympathetic addition and harmful to the general character and appearance of the area. It follows that the scheme would conflict with Objectives 8 and 9 and Policy CP17 of the Exeter Core Strategy (the Core Strategy), Policies DG1 and DG4 of the Exeter Local Plan First Review (the Local Plan), the Exeter Residential Design Supplementary Planning Document (the Residential Design SPD) and the National Planning Policy Framework (the Framework) which seek development, amongst other things, to complement or enhance Exeter's character and local identity.

Living conditions

11. Policy DG4 of the Local Plan requires that residential development should ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. Space standards are set out in the supporting text and amplified in the Residential Design SPD.
12. The dwelling would have three front facing windows and these, albeit that one is a bathroom window, would light rooms that would have a reasonable

outlook. The angled boundary of the rear garden would allow sufficient outlook from bedroom 2. However, the lounge/dining area would have a view through the patio doors of a reasonably tall boundary fence with trellis that would be quite close. Even if this outside area and boundary was sympathetically landscaped, the restricted outlook from this part of the dwelling would be of a poor quality and would not provide satisfactory living conditions for future occupiers of the accommodation.

13. In terms of outdoor amenity space, the space to the rear of the dwelling would be modest in extent, adversely affected by the height and proximity of the rear boundary and sections of this garden would be unreasonably shallow. Occupiers using this fairly small garden space, even with its southerly aspect, would feel enclosed between the rear wall of the dwelling, the rear boundary and the western fenced boundary. Even if sympathetically landscaped, the constraints to this area would not provide an acceptable quality of amenity space that would allow occupiers to feel at ease.
14. There would be a fairly narrow gap by the corner of the dwelling which would lead, via steps, to a side garden. This area could provide a location with a relatively better outlook for residents but to provide privacy it would, in all likelihood, require some form of boundary on the road side. Again this would be an area of modest size, likely to be enclosed and would not be as convenient for occupiers to use as the area immediately outside the rear patio doors.
15. Overall, the private garden spaces would be fragmented, quite modest in extent and compromised by the likely proximity of the boundary treatments. Notwithstanding the numerical cumulative space that would result, I am not satisfied that the private outdoor spaces would provide a high standard of amenity for future users as required by the development plan and the Framework.
16. Accordingly, I conclude that the development would not create acceptable living conditions for the future occupiers, because of the poor outlook from the lounge/dining area and the unsatisfactory quality of the private outdoor amenity spaces. Consequently, the scheme would not comply with Objectives 3 and 9 of the Core Strategy, Policy DG4 of the Local Plan, the guidance in the Residential Design SPD and the Framework which seek, notably in this respect, that development raises the quality of urban living through excellence in design.

Planning Balance and Conclusion

17. The evidence indicates that the Council is unable to demonstrate a 5 year supply of deliverable housing land. Accordingly, in these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The site lies within the settlement area and there is no objection, in principle, to the use of the land for residential development. The scheme would, however, conflict with development plan policies concerning requirements in respect of character and appearance, and living conditions. These policies accord with the general approach of the Framework and they would not, in

themselves, especially limit the principle of residential development on sites across the plan area and thereby materially hamper the ability of the Council to meet its housing targets. As a consequence, I attribute the identified conflict with these policies, and with the development plan as a whole, substantial weight.

19. In terms of the benefits, the scheme would provide a small boost to housing delivery on a windfall site and in a location within the built up area of Exeter, making effective use of the land. It would be a small site that could be delivered relatively quickly and add to the range and mix of accommodation in the area. Future occupiers would have reasonable access to local services and facilities. There would be social and economic benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time. However, even if the shortfall in housing land supply was substantial, because only a single dwelling would be provided, I attribute the cumulative benefits of the scheme limited weight.
20. Drawing these matters together, the harm I have identified to the character and appearance of the area and to the living conditions of future occupiers are matters which collectively I attach substantial weight. The benefits of the scheme I have identified should be attributed limited weight. In these circumstances, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would not constitute sustainable development and this weighs heavily against the scheme.
21. For the reasons given above, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR