



# Appeal Decision

Site visit made on 14 July 2021

**by Matthew Jones BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 September 2021**

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**Appeal Ref: APP/Y1110/W/20/3265339**

**3 Longbrook Terrace, Exeter EX4 4EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
  - The appeal is made by Mr M Hookway against the decision of Exeter City Council.
  - The application Ref 20/0523/FUL, dated 6 June 2020, was refused by notice dated 22 October 2020.
  - The development proposed is rear tenement extension to uplift the existing 6-bedroom HMO to an 8-bedroom HMO with improved sanitary accommodation.
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## Decision

1. The appeal is allowed and planning permission is granted for rear tenement extension to uplift the existing 6-bedroom HMO to an 8-bedroom HMO with improved sanitary accommodation at 3 Longbrook Terrace, Exeter EX4 4EU under the terms of Ref 20/0523/FUL, dated 6 June 2020, and in accordance with the conditions in the attached schedule.

## Application for Costs

2. An application for costs was made by Mr M Hookway against Exeter City Council. This application is the subject of a separate decision.

## Procedural Matters

3. The Council has questioned the lawfulness of an existing rear ground floor extension at the site. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether this structure requires planning permission. However, in the interest of certainty, I considered the merits of the proposed rear tenement extension inclusive of the ground floor element shown on the drawings and which already stands on site.
4. A revised National Planning Policy Framework (the Framework) was published in July 2021. The main parties have had the opportunity to provide comments on the revisions and I have taken them into account in my decision.

## Main Issues

5. The main issues are:
  - the suitability of the site for the proposal having regard to the development plan's approach to the supply of Houses in Multiple Occupation (HMOs);
  - whether or not the proposal would preserve or enhance the character or appearance of the Longbrook Conservation Area (the CA); and,
  - the effect of the proposal on the living conditions of existing, future and neighbouring residents with reference to light, outlook, privacy and space.

## Reasons

### *Suitability of the site*

6. 3 Longbrook Terrace is a small HMO within a central area of Exeter with a large student population, with many residing in HMOs. This is so much so that the area was issued with an article 4 direction in 2011 removing permitted development rights for the change of use of dwellinghouses (C3) to small HMOs (C4). The need to manage the effects of HMOs is reflected within the Core Strategy (adopted 2012) (CS), the Exeter Local Plan First Review (adopted 2005) (ELP) and the Exeter St James Neighbourhood Plan (made 2013) (NP).
7. However, the number of HMOs in this part of the city would not be increased by the proposal. In practice, there would be a highly modest rise in the scale and intensity of the established HMO use at the site by two additional residents. Given such, the proposal would have an inconsequential effect on the housing mix and balance of the population within the locality in my opinion.
8. Whilst the Council has referred to the proposal setting a precedent for other schemes, each case must be assessed on its own individual merits. Moreover, it is not substantiated that the works would disincentivise the reversion of No 3 back to a dwellinghouse in the future. This is a speculative matter that would be subject to market conditions and the intentions of any future developer. These concerns are therefore of limited influence in my assessment.
9. Given such, I conclude that the site would be suitable for the proposal having regard to the development plan's approach to the supply of HMOs. The proposal would accord with the relevant aims of Policies CP4 and CP17 of the CS, Policy H5 of the ELP and Policies C1 and D1 of the NP. Reference has also been made to policies within the Exeter Development Delivery Plan. This is an emerging document, and its current stage of preparation has not been explained. It has consequently carried very little weight in my assessment.

### *Conservation Area*

10. Longbrook Terrace comprises mid-19<sup>th</sup> townhouses, is locally listed and falls within the CA, to which I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance. As set out in the Longbrook Conservation Area Appraisal and Management Plan (2005) the significance of the CA derives from its 18<sup>th</sup> and 19<sup>th</sup> century expansion of narrow and enclosed streetscapes away from the city walls.
11. Longbrook Terrace makes a positive contribution to this significance through its density, proximity to the carriageway and its uniform and elegant frontage utilising repetitive, high quality detailing in traditional materials. However, the rear of the terrace does not contribute positively to the CA as it is a markedly more ad hoc and utilitarian affair, showing a somewhat disordered range of designs and materials, including uPVC. It is also hidden from public view.
12. The rear of No 3 would continue to have a scale and form akin to neighbouring properties, including the three-storey tenement of No 4 to the immediate east. In fact, its pitched roof would lead the proposal to have more integrity than some of the other extensions, such as the flat roofed, extended tenement at No 1. As such, whilst I recognise concerns about the proximity of the extension to window edges and its junction with the eaves of the building, the historic value of Longbrook Terrace and its contribution to the CA would be maintained.

13. It follows that the proposal would preserve the character and appearance of the CA. It would accord with the design and heritage aims of Policies CP4 and CP17 of the CS, C1, C3, T3 and DG1 of the ELP, D1 and H1 of the NP and the Framework. The Council has also referred to the guidance within the Householder's Guide to Extension Design Supplementary Planning Document (adopted 2008). However, as the proposed large HMO use (*Sui Generis*) falls beyond Use Classes C3 and C4, I consider it to have limited relevance.

#### *Living conditions*

14. Whilst the resultant rear yard would provide limited room for residents, this is an established characteristic of Longbrook Terrace in what is a high density, urban location. The nature of HMOs likely precludes outside activities which demand larger space, such as children's play, and residents would have easy access to ample public recreational space nearby. The yard would link, via a wide glazed opening, to a large open plan kitchen and dining room, with which it would provide an integrated, spacious and light communal area for residents.
15. The adjoining bedroom would have a window to provide adequate outlook and light via the side return, which could also accommodate the increased need for bicycle storage arising from the intensified use. I do not consider that the small increase in residents would significantly alter existing levels of security or the potential for or the fear of crime at the property and in the local area.
16. The rear of Longbrook Terrace has high levels of mutual overlooking between spaces and several instances of outlook and light being highly restricted by the massing of one property to another. The proposal would reduce light and outlook to existing bedrooms within No 3 and the properties on either side of No 3, particularly No 4. The proposed bedroom windows would also increase overlooking towards other bedrooms within No 3 and inside and outside spaces at Nos 1 and 2. However, the overall effects of this would be acceptable within this already intrinsically constrained and intimate environment.
17. Consequently, the proposal would have an acceptable effect on the living conditions of existing, future and neighbouring residents with reference to light, outlook, privacy and space. It would accord with the residential amenity aims of Policies C17 of the CS, DG4 of the ELP, C1 and D1 of the NP and the Framework.

#### **Conditions and Conclusion**

18. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. Whilst it may well be desirable to facilitate enhanced security features at the property, I have not found this to be necessary to make the proposal acceptable in planning terms. Given the range of materials already present, it is not essential for the rear extension to match existing materials on No 3. However, given the density of housing here, I do consider it necessary for a condition to restrict the timings of operations and deliveries during the construction phase as suggested by the Council.
19. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

*Matthew Jones*

INSPECTOR

### **Schedule of Conditions**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: D011/20/100, D011/20/112.
- 3) No site machinery or plant shall be operated, no construction or demolition process shall be carried out and no demolition or construction related deliveries shall be received to or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.