



Appeal Decision

Site visit made on 17 November 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/Y1110/W/21/3279875

The Annexe, Melbury House, 4 Queen's Crescent, Exeter EX4 6AY

- 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 G Hannaford against the decision of Exeter City Council.
 - The application Ref 20/0020/FUL, dated 28 November 2019, was refused by notice dated 10 June 2021.
 - The development proposed is Change of Use of The Annexe from guesthouse (C1) to a dwelling house (C3).
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Decision

1. The appeal is dismissed.

Application for Costs

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

Procedural Matters

3. The site comprises a two-storey building containing residential accommodation with an associated first floor terrace and land (the Annexe) at the rear of Melbury House, Queen's Crescent, a three-storey semidetached property with a lawful guest house (C1) land use.
4. The appellant has asserted that the Annexe has adopted a lawful independent residential use. However, the information before me on this subject is unclear and contradictory. In any case, within the context of an appeal under section 78 of the Act, it is not within my remit to formally make a finding on this matter. If the appellant wishes to ascertain whether development at the site is or would be lawful, they may make an application under sections 191 or 192 of the Act.
5. In the interest of certainty, I made my assessment on the basis that the Annexe is a lawful structure ancillary to Melbury House. This is for the purposes of the current appeal only and does not prejudice any future application for a lawful development certificate and/or any enforcement proceedings.

Main Issues

6. The main issues are:
 - whether or not the proposal would preserve or enhance the character or appearance of the Longbrook Conservation Area (the CA); and,
 - whether or not the proposal would create adequate living conditions for future occupants, with reference to light, outlook and outside space.

Reasons

Conservation Area

7. Melbury House and its grounds, including the Annexe, are within the CA. The south east elevation of the first floor of the Annexe is at street level alongside Leighton Terrace, also within the CA. This part of the CA draws significance from its cohesive Victorian streets of red brick buildings in repetitive styles. Melbury House and its contemporaries along Queen's Crescent, with their elegant red brick Dutch gable frontages, convey these attributes, as do the attractive terraced houses along the south east side of Leighton Terrace.
8. However, as identified in the appellant's Heritage Impact Assessment (2021), the north west side of Leighton Terrace is fronted by the more altered and less refined rear elevations of the adjacent Queen's Crescent properties. Given this somewhat slipshod relationship between the two streets, and the lack of any real uniformity in plot shape or size across the back of Queen's Crescent, the proposed severance of the Melbury House plot would not cause harm to the CA.
9. The proposed gate and fence are already in situ. The fence is innocuous and set back from the front of the existing wall. The gateway appears functional and subservient, providing rear access to Melbury House as one would expect. Whilst I note the Council's concerns that the plot subdivision may lead to refuse and bicycle storage forward of Melbury House's principal elevation, I observed that this is already an established characteristic of the Queen's Crescent frontage.
10. The Annexe and a nearby garage are identified by the Longbrook Conservation Area Appraisal as having a neutral role in the CA. To my mind, this is because the Annexe looks like a garage, and therefore reads as low in status and subservient in purpose to Melbury House. The conversion of the Annexe would include the infilling of the mock garage opening with render and the insertion of two apertures. In my view, this would lead the building to have a contrived appearance and a confused identity within the public realm, which would lead it to convey a negative presence inside the CA. As this is an intrinsic issue of status and design, it would not be resolved by a condition relating to finish materials.

Conclusions on main issue

11. Consequently, the proposal would not preserve the character and appearance of the CA. It would conflict with the heritage aims of Policies CP4 and CP17 of the Exeter Core Strategy (adopted 2012) (ECS), Policies D1, SD3 and H1 of the Exeter St James Neighbourhood Plan (made 2013) (ESJNP) and Saved Policies H2, C1 and DG1 of the Exeter Local Plan First Review (adopted 2005) (ELP). There would not, however, be any conflict with Policy EN4 of the ESJNP.

Heritage Balance

12. The harm to the CA would be less than substantial. Even so, the National Planning Policy Framework (the Framework) states that great weight should be attributed to a heritage asset's conservation and that any harm falls to be weighed in the balance with the public benefits of the development. As heritage assets are irreplaceable, any harm requires clear and convincing justification.
13. The Framework also states that decision makers should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Within this context, the scheme would quickly reuse

previously developed land within a city centre location with good access to services and facilities. I understand that this type and size of dwelling is particularly needed in the local area. However, only a single dwelling would be contributed to the local supply. Leighton Terrace is already highly supervised by the dwellings within the terrace, and thus the supervision afforded to the street by the dwelling would be of little consequence.

14. Overall, these public benefits attract modest weight. They are not a clear and convincing justification for the less than substantial harm to the CA, to which I attach considerable importance and weight.

Living conditions

15. The dwelling would have a reasonably sized first floor terrace directly accessed from the principal, open plan living space. The terrace would be well screened from overlooking from Melbury House, were it to occur, by greenery, the annexe itself, and also by the somewhat oblique angle between them. Given the relative absence of built form to the south and west, users of the terrace would have access to high levels of outlook and light. The terrace would have sufficient room for bicycles, with refuse storage provided in the yard below.
16. The first-floor area would have outlook across the terrace to the south west via a large opening with bifold doors, as well as out on to Leighton Terrace through the two openings in the south east elevation. This would more than compensate for the limited outlook it would have northwards, across to Melbury House.
17. However, at ground floor, each bedroom would have a single northerly aspect immediately out on to Melbury House and the limited, intervening yard space, which is to be subdivided by a boundary fence. As such, neither room would have adequate outlook or access to natural light. I do not accept that bedrooms are less susceptible to these limitations, as they are a private refuge within a home and can serve a number of roles beyond sleeping. The hall would be very confined as it would have no outlook and very limited access to natural light.
18. Accordingly, I conclude on this issue that, whilst the proposal would create adequate living conditions for future occupants with reference to outside space, it would not do so with reference to outlook and light. It would conflict in this regard with the residential amenity aims of Policy CP4 of the ECS, Policy SD3 of the ESJNP, Saved Policies H2, DG1 and DG4 of the ELP and the Residential Design Supplementary Planning Document (adopted 2010). Policy T3 of the ELP has also been referenced by the Council. However, there would be no conflict with this policy, given the high accessibility of the site to services.

Other Matters

19. The Council has referred to the living conditions of Melbury House guests and the living conditions of future residents if the guest house were to change to an alternative land use in the future, such as C4. However, I see nothing in the referenced policies which relates to the quality of the guest experience at such accommodation. It is also not for me to speculate as to the policy compliance or otherwise of any development which may or may not come forward. As such, these matters have not been determinative in my assessment.
20. The site is within influence of the Exe Estuary Special Protection Area (SPA). Likely significant effects on the integrity of the SPA due to increased recreation cannot be ruled out in the first instance. The appellant accepts that and has

supplied an agreement under S111¹ to seek to provide necessary mitigation. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter further within an Appropriate Assessment. However, as I am not, I have not done so.

Planning Balance

21. The harm to the CA and the failure of the scheme to create adequate living conditions for future occupants draws the proposal into conflict with the development plan when read as a whole.
22. There is dispute between the main parties as to whether or not the council can currently demonstrate a five-year supply of deliverable housing sites. Paragraph 11 d) i) of the Framework states that in the circumstances where a Local Planning Authority cannot demonstrate such a supply, permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 7, this includes designated heritage assets.
23. Given the harm that would arise to the CA, even if I accepted the appellant's position on the subject of housing land supply, the Framework provides a clear reason to refuse the proposal, and so the presumption in favour of sustainable development within Paragraph 11 d) ii) does not apply.
24. Drawing my findings together, the benefits of the scheme are not considerations which outweigh the conflict with the development plan.

Conclusion

25. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

¹ Pursuant to the Local Government Act 1972