



Appeal Decision

Site visit made on 20 December 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/Y1110/W/21/3281231

Land between 73 Lloyds Crescent and Pinhoe Road, Exeter, EX1 3JE

- 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 and Miss I B and T F E Lovett and Saunders against the decision of Exeter City Council.
 - The application Ref 21/0225/FUL, dated 9 February 2021, was refused by notice dated 28 May 2021.
 - The development proposed is the change of use of land to garden.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to garden at Land between 73 Lloyds Crescent and Pinhoe Road, Exeter, EX1 3JE under the terms of the application Ref: 21/0225/FUL, dated 9 February 2021, and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan.
 - 3) Prior to the change of use there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identifying those to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the change of use of the land; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, outbuildings, fences or walls shall be erected.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The site is a long, thin plot of land populated with trees and shrubs above an around 1m brick roadside retaining wall, set between 73 Lloyds Crescent and Pinhoe Road. Pinhoe Road is a busy route through Exeter, but the pollution and urbanity which emanates from it is mitigated to an extent by the tree lined verges and softly landscaped gardens of the properties along its length.
4. Given its verdant appearance and absence of built form, the site contributes positively to this softening effect. However, I would not describe it as particularly open, given the brick wall and the relative density of the greenery above it. On this basis, the positive contribution the site makes to the street scene would be retained, even if it were to be drawn into the grounds of No 73, through delivery of the indicated landscaping proposals. These include further tree planting, a wildflower meadow area, and a continuous roadside hedge.
5. Consequently, I conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the visual amenity aims of Policy CP17 of the Exeter Core Strategy (adopted 2012), saved Policies L3, DG1 and DG4 of the Exeter Local Plan First Review (adopted 2005) (LPFR) and the National Planning Policy Framework.

Other Matters

6. The site is a far from realistic candidate for use as public open space, given its shape, lack of access, proximity to the road and the potential for falls from height. Pinhoe Road is part of an Air Quality Management Area. Given the potential for further hedge and tree planting, it seems to me that the scheme would be beneficial with regard to this issue and in terms of its ecological value. There is no clear evidence that extending No 73's outside space towards Pinhoe Road would have any significant effect on the living conditions of the occupants of No 73 with reference to noise, security and privacy. Building density in the area would be unaffected by the scheme, and, given that I understand maintenance of this area has been somewhat infrequent, bringing it into the care of No 73 would provide it with a more efficient use.

Conditions

7. In addition to the standard time condition, it is necessary for a condition to clarify the approved plan in the interest of certainty. It is also necessary in order to maintain the soft, verdant appearance of the site, for conditions to secure delivery of the landscaping and the removal of Permitted Development Rights relating to means of enclosure, outbuildings and extensions. I see no reason why these conditions would not be enforceable.

Conclusion

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

Matthew Jones

INSPECTOR