



Appeal Decision

Site visit made on 20 January 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/Y1110/W/21/3282595

Land South of 15 The Fairway, Exeter EX4 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Graham Street of Firmploot Ltd against Exeter City Council.
 - The application Ref 21/0945/FUL, is dated 11 June 2021.
 - The development proposed is new two storey dwelling.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issues

2. The Council failed to give notice of its decision within the prescribed period. An assessment of the proposal's merits is now included within the Council's evidence. I have used this evidence to formulate the main issues of this appeal.
3. I therefore consider the main issues to be (i) whether or not the proposal would create adequate living conditions for future occupants, with reference to outlook, light and outside space; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The site is a small, irregular plot of land at the east end of the cul-de-sac The Fairway. The street cuts down across a southwest to northeast slope, with the dwellings on its north side set back and down from the highway, and those to the south set back and above it. The site grades downwards from the turning head between Nos 15 and 16. To the southeast it lines a private road which serves four modern dwellings to the east.
5. The proposed dwelling would contain living space at first floor, entry level, with the bedrooms below. Its internal space standards would exceed those set by the Residential Design Guide Supplementary Planning Document (adopted 2010) (the SPD). However, with reference to outlook and light, the SPD further requires residents to feel comfortable and at ease in their homes. Paragraph 130 of the National Planning Policy Framework (the Framework) also provides, amongst other things, that schemes should create places which promote health and well-being, with a high standard of amenity for future users.
6. In this case, Bedroom 2 would have a single, northwest facing window with an outlook directly towards a retaining wall and a close boarded fence. It would also be set in below the partly cantilevered open plan kitchen diner. Bedroom 1

would have French doors opening on to the garden, but light into this aperture would likely be restricted by the balcony overhang above it, the rear fence, the flank wall of the garage, and trees within the garden. As such, Bedroom 1 would have insufficient access to light, and Bedroom 2 both outlook and light.

7. The garden would again meet the SPD's space standards for this type of property and would benefit from a southeast orientation. However, a portion of the garden would comprise a bank, and the space would be quite sunken and hemmed in by the fencing. It is likely that it would be quite overlooked from the private road, and its single access point would be through Bedroom 1, which may well limit its accessibility for other members of the household.
8. This leads me to conclude on this issue that the proposal would fail to create adequate living conditions for future residents with reference to outlook, light, and outside space. It would conflict with the amenity aims of Policy CP17 of the Core Strategy (adopted 2012) (CS), saved Policy DG4 (b) of the Exeter Local Plan First Review 1995 to 2011 (LPFR), the SPD and the Framework.

Character and appearance

9. The proposal, as a two-storey dwelling offering a single storey to street level, conforms to the houses which have a similar topographical relationship to the highway. Whilst some of the proportions of the house would be unconventional, they respond positively to the constraints of the plot and are focused to the rear, or along the private road where the dwellings are more modern in design. The house frontage onto The Fairway would offer a more traditional impression.
10. The houses here fill much of their plot widths, and are in a tight formation, which obscures much of their rear gardens from view. In these circumstances, the scheme would avoid the appearance of being unduly cramped. The building would not be set back in the plot, but would be approached head on right the way down the street, which would give it the impression of being set back, albeit behind the turning head. Given its unique siting within The Fairway, it would not interfere with the building line on either side of the street.
11. Consequently, I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would conform to the relevant design aims of Policy CP17 of the CS, saved Policies H2, DG1 and DG4 of the LPFR, the SPD and the Framework.

Planning Balance and Conclusion

12. I recognise that the scheme has been informed by a meticulous and protracted design process, and now, in many respects, would respond well to the irregularities of the site. Ultimately, however, it would fail to create adequate living conditions for future occupants. This issue would outweigh the benefits of providing a single dwelling within an accessible residential location. As such, the scheme would conflict with the development plan when read as a whole and there are no other considerations that outweigh this conflict.
13. For these reasons, and taking all other matters raised into account, I conclude that the appeal should be dismissed, and planning permission be refused.

Matthew Jones
INSPECTOR