



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: 09 February 2022

Appeal Ref: APP/Y1110/W/21/3279865

1 Crawford Gardens, Exeter EX2 8HQ

- 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 Mrs Cumner against the decision of Exeter City Council.
 - The application Ref 21/0349/FUL, dated 26 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is erection of attached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would create adequate living conditions for existing and future residents with reference to indoor and outdoor space.

Reasons

3. The site comprises land to the front, back and side of the end of terrace house 1 Crawford Gardens. No 1 is part of a small, planned development of two terraces which face one another across open lawns separated by a shared pathway. This space has the feel of an intimate public green. To the rear the terraces have smaller yards typically enclosed by walls and fencing.
4. The new dwelling seeks to closely replicate the layouts of the existing houses. Nonetheless, planning policy has moved on with respect to space standards, as reflected by the Council's Residential Design Supplementary Planning Document (adopted 2010) (the SPD). Paragraph 130 of the National Planning Policy Framework (the Framework) also provides, amongst other things, that decisions should ensure that schemes create places which promote health and well-being, with a high standard of amenity for existing and future users.
5. The SPD specifies a minimum gross internal area for a three-bedroom two storey house of at least 86sqm. I understand that the scheme would fall clearly short of that standard. In my view, this would be borne out in practical terms, with the two smaller bedrooms cramped and offering little room for storage or comfortable private space, and a likely congested ground floor environment.
6. The area around the site is also observably noisy, given the proximity to the busy and arterial Alphington Road. There is the potential for this noise to be intrusive within the house, particularly during the summer months, when residents would be inclined to open windows during the day and night. Without measurable data as to the actual levels of noise, I am unable to conclude that any mitigation would be adequate, or indeed could be secured by a condition.

7. The new dwelling would have a very small private rear yard and No 1's existing yard would be narrowed. Given that the terraces are serviced from the rear, the yard serving the new house may well contain the bin and cycle storage. It would also be constrained by the curve forming the rear boundary, leading users to feel hemmed in. It is stated that the yards would be bound by hedges, which are likely to have a depth that would further reduce the usable space.
8. Consequently, regardless of the issues of outlook, privacy and light, the yard areas would fail to function well or provide adequate usable private space for the leisure activities one would typically associate with a three-bedroom family house, such as child's play. Whilst I recognise that there are a number of areas of public open space within the locality, I do not consider them to be a suitable alternative to integral and dedicated private space for a family home.
9. The front gardens would be larger, but far from private or secure, and highly exposed to the cacophony and activity along Alphington Road, which would not inspire feelings of comfort or ease. It is intended that the gardens be made private and secure with hedging, but this would do little to counter the noise. Delineating the gardens with substantive, defensive boundaries would also conflict with the important open, communal arrangement between the terraces.
10. The appellant has drawn my attention to the two-storey extension that has been added to 8 Crawford Gardens. Whilst the extension is very similar in aesthetic terms and occupies the corresponding corner plot on the opposing terrace, it extended an existing dwelling, it did not subdivide a site to create a further home. Consequently, its practical circumstances are quite different to the appeal proposal, and it has carried very little weight in this assessment.
11. Accordingly, I conclude that the proposal would fail to create adequate living conditions for existing and future residents with reference to indoor and outdoor space. It would conflict with the residential amenity aims of Policy CP17 of the Core Strategy (adopted 2021), saved Policies H2 and DG4 of the Exeter Local Plan First Review 1995-2011 (LPFR), the SPD, the Framework and the National Design Guide.

Other Matters

12. The site is located within Flood Zone 3. The Council opines that the Sequential Test has been passed, and the appellant considers that issues relating to the Exceptions Test could reasonably be conditioned. Had I found the other elements of the proposal acceptable, I would have had to consider this matter in detail. However, as I am dismissing the appeal for other reasons, it has not been further addressed in my decision. Similarly, given that I have found that the scheme would not provide acceptable living conditions for future or existing residents for other reasons, I have not addressed the issue of air quality.

Planning Balance

13. The appellant asserts that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, pursuant to Paragraph 11 d) of the Framework. However, there is no substantive evidence regarding this issue before me, and the matter has not been broached by the Council.
14. The scheme would provide a single, energy efficient house to the local housing supply. It would be an infill site in a residential location where increases in building density are encouraged, and in an area with good access to services

and facilities. I recognise that the dwelling, in visual terms, would successfully assimilate with its context. However, the absence of harm to the character and appearance of the area is neutral in the balance, as is the absence of harm to the living conditions of existing residents beyond the appeal site.

15. Whilst the benefits of the proposal are noted, they should not come at the clear expense of the standard of living conditions created for future occupants and those within 1 Crawford Gardens. As such, even if I were to conclude that there is a shortfall in the five-year housing land supply as suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so, when the scheme is assessed against the policies in the Framework taken as a whole. Consequently, there are no other considerations, including the Framework, which outweigh the conflict I identify with the development plan when read as a whole in this case.

Conclusion

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

Matthew Jones

INSPECTOR