



Appeal Decision

Site visit made on 23 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/U1105/W/21/3285171

Flat 1, 105 Victoria Road, Exmouth, Devon EX8 1DR

- 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 Mrs Rowsell against the decision of East Devon District Council.
 - The application Ref 20/1799/FUL, dated 1 September 2020, was refused by notice dated 20 April 2021.
 - The development proposed is new 1 bed annexe with under-croft for 2no vehicle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for new 1 bed annexe with under-croft for 2no vehicle parking at Flat 1, 105 Victoria Road, Exmouth, Devon EX8 1DR in accordance with the terms of the application Ref 20/1799/FUL, dated 20 April 2021, subject to 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 plans: 6946-200 REV C, 6946- LPA.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the ground floor flat known as Flat 1, 105 Victoria Road.
 - 4) The development hereby approved shall be carried out in accordance with the flood risk measures contained within the Flood Risk Assessment prepared by ARA Architecture received on 20 August 2020.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupants of 103, 105 and 107 Victoria Road, with reference to outlook, privacy and light.

Reasons

Character and appearance

3. Victoria Road is a street of terraced residences. The terracing along its south side benefits from access off the rear, via a service lane. On the other side of the lane, it provides the same service to similar terraced properties fronting the parallel St Andrews' Road. Many outbuildings front the lane, and mainly appear to provide garaging or workshop space. They range in style and scale from low profile, slack roofed structures, to larger buildings topped by steeply pitched

roofs, some of which have high ridges and fairly high eaves. In some instances, the pitched roofs appear to extend quite far back into their respective sites.

4. The annexe would, in my opinion, closely match the scale and utilitarian form of the larger outbuildings, particularly the garage serving 97 Victoria Road. Any indication of the annexe accommodation it would house would be limited to rooflights and a modest porthole within the gable frontage. As such, it would assimilate well into this built environment.
5. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policies Strategy 6 and D1 of the East Devon Local Plan 2013-2031 (adopted 2016) (the Local Plan) and Policy EB2 of the Exmouth Neighbourhood Plan 2018-2031 (made 2019).

Living conditions

6. No 105 is converted to flats and has a large, extended tenement imposed across much of its boundary with 107 Victoria Road. However, the annexe would be sited aside a workshop at the backend of No 107's grounds. This would lead it to appear at a relative distance from the mainstay of No 107's recreational outside space and largely against the backdrop of the St Andrew's Road terracing. Given also its pitched roof form, it would not significantly affect the current levels of light and outlook provided to the occupants of No 107.
7. The yard serving Flat 1 is enclosed to the extent that the annexe would make little difference. Similarly, the relationship that would be created with No 103 in terms of scale would essentially replicate that which already exists across Victoria Road between the larger outbuildings and the adjoining properties.
8. The annexe would have a glazed aperture at the apex of the gable which would face back towards Nos 103, 105 and 107. However, given the height of its sill and the compact nature of the internal space it would serve, it would provide negligible opportunities for direct overlooking. Any perceived effects on privacy would also be acceptable, given that the site is in an urban location where one already feels an intrinsic sense of being overlooked.
9. Consequently, the proposal would have an acceptable effect on the living conditions of the occupants of 103, 105 and 107 Victoria Road, with reference to outlook, privacy and light. It would accord with the residential amenity aims of Policy D1 of the Local Plan.

Other Matters

10. Concerns raised about land ownership and the Party Wall Act are not germane to my assessment, which is focused on the planning merits of the appeal. The potential independence of the annexe from the appeal property has also been raised. However, the plans indicate that the annexe would not be entirely self-contained, and I am therefore satisfied that a condition would reasonably restrict its use to be ancillary to the main residence. Such conditions are commonplace, and I see no reason why it would be difficult to enforce here.
11. With regard to parking, I note that the existing garage is not particularly wide, and I therefore question its suitability for vehicular parking. Even if the proposed parking bay were only to provide space for a single vehicle, it is likely that there would be no material increase in parking congestion as a result. With

reference to emergency access, I understand that access to and from the rear of No 105 is already restricted to the occupants of Flat 1. As each case must be assessed on its own merits, this scheme should not necessarily be seen as a precedent for future development.

Conditions

12. In addition to the standard time condition, a condition is necessary to confirm the approved plans in the interest of certainty. Given the multitude of finish materials present within the lane, and its utilitarian character, I do not consider it essential for a condition to require material samples in this case. The Council has suggested that the height of the apex window be controlled by an individual condition. However, this matter would already be addressed by the accord with plans condition. Given that the site is within an area at risk of flooding, it is necessary for a condition to ensure delivery of the flood risk measures within the Flood Risk Assessment.

Conclusion

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

Matthew Jones

INSPECTOR