



Appeal Decision

Site visit made on 22 March 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 12 April 2022

Appeal Ref: APP/Y1110/W/21/3287790

13C St James Road, Exeter EX4 6PY

- 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 Simon Crawford, KMC Properties Ltd, against the decision of Exeter City Council.
 - The application Ref 21/1216/FUL, dated 3 August 2021, was refused by notice dated 5 November 2021.
 - The development proposed is Change of Use of building from Class B1 Office use to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has set out the relevant planning history related to the site, which includes 3 previous appeal decisions¹. All 3 appeals relate to the use of the appeal building for residential purposes, either as a standalone unit or as an extension to 13b St James Road, and all 3 appeals were dismissed. Whilst I have taken these decisions into consideration as some of the matters raised in the previous appeals are relevant in this case, I have determined this appeal on its own merits.
3. The description of development and the application form states that the building is currently used as an office (Use Class B1). It was noted on my site visit that the building is now being used as some form of residential accommodation but not as shown on the application drawing². I have therefore determined the appeal on the basis of the scheme shown on the submitted drawing.

Main Issue

4. The main issue is whether the proposed development would provide acceptable living conditions for the future occupiers, with respect to the internal living accommodation and external amenity space.

Reasons

5. 13c St James Road is a detached single storey building situated to the rear of 13 St James Road. To the front of No 13c is a small tarmac courtyard area, which also provides access through to 13a St James Road. The high side

¹ APP/Y1110/W/17/3185301, APP/Y1110/D/18/3206214 and APP/Y1110/W/20/3256117

² Drawing No 2059-17-011 Rev A

elevations of 12 St James Road and 73 Oxford Road are situated to the side and rear of the appeal site. Owing to its position to the rear of No 13 and the tight relationship with the surrounding buildings, the appeal building is situated in a very constrained urban environment, surrounded by neighbouring buildings in close proximity on all sides apart from the front.

6. The appeal proposal is a revised scheme following the latest dismissed appeal decision³, with the main differences being a reorientation of the bedroom windows and an additional rooflight to serve the second bedroom. Whilst the additional rooflight would allow more sunlight and daylight in to the second bedroom, it is considered that the overbearing, enclosing and oppressive effect in both of the bedrooms, as identified by the previous Inspector, would remain to an unacceptable degree. The main outlook from the bedroom windows would still be severely restricted, looking out on to either the high blank brick side elevation of 73 Oxford Road or facing the ground floor windows of No 13. The proposed rooflight and reorientation of the bedroom windows would do little to alleviate this restricted outlook and sense of enclosure felt in the proposed bedrooms, which would be harmful to the living conditions of the future occupants of the proposed development.
7. The proposed amenity space would be provided within the existing small tarmac courtyard to the front. Whilst the amenity space may be large enough for future occupants to sit out in or to dry washing, it would fall short of the Council's minimum standard of 55 square metres. Furthermore, regardless of the size of the outdoor amenity space, due to the presence of the surrounding buildings in close proximity, it would be directly overlooked and would offer very little in terms of private outdoor space. The narrow strips of amenity space to the side and rear of the appeal building, whilst offering more privacy, would be enclosed by the high side walls of 12 St James Road and 73 Oxford Road, resulting in a highly oppressive environment. Consequently, both the quality and quantity of outdoor amenity space proposed would be unacceptable in respect of privacy and outlook, to the detriment of the living conditions of the future occupants. I also note that previous Inspectors reached the same view.
8. The proposal would therefore be harmful to the living conditions of the future occupants and would not provide adequate internal living accommodation or external amenity space. It would conflict with Policy DG4(b) of the Exeter Local Plan First Review (Local Plan) (adopted 2005), Policy D1 of the Exeter St James Neighbourhood Plan (NP) (adopted 2013) and advice set out in Chapter 7 of the Residential Design Supplementary Planning Document (SPD) (adopted 2010), which together seek to ensure that residential development achieves a quality of amenity which allows residents to feel at ease within their homes and gardens, and that good design should provide sufficient external amenity space.

Other Matters

9. The Council, in their decision notice, cite Policy CP17 of the Exeter Local Development Framework Core Strategy (adopted 2012), Policies DG1 (b, d and e) and DG2 (b) of the Local Plan and Policy SD3 of the NP. However, all of these policies concern design quality which, other than the aspects dealt with under the main issue above, is not in dispute.

³ APP/Y1110/W/20/3256117

10. The site is located within the St Sidwells Conservation Area (CA). The Council did not cite the impact on the CA as a reason for refusing planning permission. The building in question is not visible from public vantage points. Whilst external alterations are proposed to the existing building, these would be limited to changes to the windows, doors and rooflights in order to facilitate the proposed residential use. The proposed external alterations would cause no harm to the character or appearance of the area. I am therefore satisfied that the proposal would preserve the character and appearance of the CA.
11. The appellant sets out the benefits of providing a new residential unit on a brownfield site within the urban area with good connectivity to shops and services. They also set out the benefits of the provision of off street parking and cycle storage. However, these benefits would not be sufficient to outweigh the harm upon the living conditions to the future occupants identified above.

Conclusion

12. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR