



Appeal Decisions

Site visit made on 5 October 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal A Ref: APP/Y1110/W/22/3298522

30 Victoria Road, Topsham EX3 0EU

- 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 Pearson against the decision of Exeter City Council.
 - The application Ref 21/1510/FUL, dated 27 September 2021, was refused by notice dated 11 February 2022.
 - The development proposed is demolition of two storey extension, single storey lean-to additions, construction of replacement part two, part single storey extension & renovation of basement.
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Appeal B Ref: APP/Y1110/Y/22/3298548

30 Victoria Road, Topsham EX3 0EU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Pearson against the decision of Exeter City Council.
 - The application Ref 21/1511/LBC, dated 27 September 2021, was refused by notice dated 11 February 2022.
 - The works proposed are demolition of two storey extension, single storey lean-to additions, construction of replacement part two, part single storey extension & renovation of basement.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for demolition of two storey extension, single storey lean-to additions, construction of replacement part two, part single storey extension & renovation of basement at 30 Victoria Road, Topsham EX3 0EU in accordance with the terms of the application Ref 21/1510/FUL, dated 27 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1-0001, 0-0002 C, 0-0003, 0-0004, 0-0006.
 - 3) No demolition or construction site machinery or plant shall be operated and no demolition or construction related deliveries shall be received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
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Appeal B

2. The appeal is allowed and listed building consent is granted for demolition of two storey extension, single storey lean-to additions, construction of replacement part two, part single storey extension & renovation of basement at 30 Victoria Road, Topsham EX3 0EU in accordance with the terms of the application Ref 21/1511/LBC, dated 27 September 2021, and the plans submitted therewith, subject to the following condition:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this consent.

Application for Costs

3. An application for costs was made by Mr and Mrs Pearson against Exeter City Council. This application is the subject of a separate decision.

Main Issue

4. 30 Victoria Road is a semi-detached dwelling which forms part of the Grade II listed building Congregational Chapel, 18-30 Victoria Road (the Listed Building). It also falls inside the Topsham Conservation Area (the CA). In this context, the main issue in these appeals is the effect of the proposal on the special architectural and historic interest of the Listed Building and, linked to that, whether it would preserve or enhance the character or appearance of the CA.

Reasons

5. The Listed Building is a row of different property types across differing historic land uses and its significance is thus fairly multifaceted. However, No 30 principally contributes to its significance through the quality of its stuccoed façade encompassing the restrained Victorian Gothic detailing evident across the Listed Building. Both in its plan and composition, it reads as a pair with its attached neighbour No 28. The design of these dwellings and their shared Gothic theme also allows them to have a positive presence within the CA.
6. To the rear of Nos 28 and 30 there is less order and Gothic detailing, but their interrelation is evident in the central projecting outbuilding they share. No 30 has experienced a degree of reconfiguration, including modern ground floor extensions of little merit and a somewhat ordinary two storey extension. The proposed replacement would offer a more sophisticated design response, adequately articulated by its openings. Its design and finishes would contrast well with the historic fabric but equally tie in with the appearance of a similar extension recently carried out behind No 28. As such, there would be a more cohesive and well-designed aesthetic across the rear of the houses, to the benefit of the Listed Building and the character and appearance of the CA.
7. Internally, what is likely to have originally been a wall between the kitchen and dining room would be re-established. Within the kitchen, an original, although altered, hearth and chimney breast would be removed. It is a robust feature which likely links or once linked into a corresponding hearth on the other side of the partition within No 28. These works would harm in that they would remove a small but important original feature of the property and would diminish our understanding of how No 28 and No 30 once functioned and how they were paired. Nonetheless, when considering the proposed works as a whole, the significance of the Listed Building would be preserved overall.

8. The Council has in part relied on the Householder's Guide to Extension Design Supplementary Planning Document (adopted 2008) (the SPD) in its arguments. However, whilst the works/development would not strictly adhere to the SPD, for instance with reference to the finish materials and roof form of the first-floor element, I am mindful that it offers guidance only, and that the proposal offers a bespoke response informed by an understanding of the significance of this Listed Building. The SPD has therefore carried little weight in my assessment in this instance.
9. It follows that the proposal would accord with the heritage and design aims of Policy CP17 of the Core Strategy (adopted 2012), Saved Policies C1, C2, and DG1 of the Exeter Local Plan First Review (adopted 2005) and the National Planning Policy Framework.

Other Matters

10. Given its diminutive size and the intervening distance between it and 32 Victoria Road, the window within the east flank of the bathroom would not have an unacceptable effect on the privacy of neighbouring residents within No 32.

Conditions and Conclusion

11. Given the constrained nature of Victoria Road and its density of housing, a condition is necessary to control the timings of the construction work in the interests of the living conditions of neighbouring occupiers.
12. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeals.

Matthew Jones
INSPECTOR