



Appeal Decision

Site visit made on 20 September 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/Y1110/W/22/3296927

Fernleigh Nurseries, Ludwell Lane, Exeter EX2 5AQ

- 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 A Sansom, Team Property Investment Ltd against the decision of Exeter City Council.
 - The application Ref 21/1666/FUL, dated 28 October 2021, was refused by notice dated 7 January 2022.
 - The development proposed is conversion of existing nursery building/garage to single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposal makes adequate provision for the inclusion of carbon reduction measures.

Reasons

Character and appearance

3. The appeal site comprises a garage and store building used in connection with an established nursery and located within the Ludwell Valley Park. The building is set within a grouping of buildings which include both residential dwellings to the south, and buildings related to the nursery to the north. Ludwell Valley Park is an undeveloped area within Exeter which provides publicly accessible open space for casual and formal recreation. The character of the area contrasts with that of the surrounding urban areas of Exeter and is one of a rural character formed by green open space, hedge boundaries and the undulating topography of the surrounding area.
4. The existing appeal building is a single storey structure consisting of two distinct pitch roof elements at different levels due to the rising topography, adjoined by a flat roof link. The building has a utilitarian appearance befitting of its purpose as a garage and store building associated with the nursery. This utilitarian appearance is in stark contrast to the residential appearance of existing dwellings directly to the south of the building, but sits comfortably with the grouping of buildings to the north associated with the nursery.

5. Policy LS1 of the Exeter Local Plan First Review 1995-2011 (LP) establishes that development in such locations as the appeal site should maintain local distinctiveness and character and permits only certain categories of development or the change of use, conversion, or extension of existing buildings. Furthermore, LP Policy H2 also provides support to the conversion of vacant, under-used or buildings in poor condition to residential use providing there is no detriment to, amongst other things, the character and quality of the local environment.
6. The development proposal would raise the ridge height of the building and introduce a pitched roof link in place of the existing flat roof link. To do so, the proposal requires the replacement of the entire roof structure, and the nature of the buildings' construction would require a supporting timber frame and associated extension to existing foundations to be inserted to carry the new roof structure. However, the appellant's structural report identifies no sign of movement or structural damage, and outlines that the building is suitable for conversion for use as a residential building without the need to rebuild existing walls. Aside from the new windows and doors, the main structure would largely remain intact with the exception of the roof structure.
7. I observed on my site visit that the building is largely of permanent construction. Whilst I find structural works will be required, in particular to support the new roof structure, LP Policy LS1 permits development concerned with the change of use, conversion or extension of existing buildings. There is no limitation within the policy on the size of extension or scope of conversion. There is no substantive evidence as to why the required works could not fall within the scope of this policy requirement. I find that the proposal would amount to a conversion.
8. However, the acceptance of a conversion is within the context of the overall aims of LP Policy LS1 & H2 to prevent harm to the city's landscape setting, character and quality of local environment and maintain local distinctiveness.
9. I acknowledge that the proposed design and materials are traditional and reflect some elements of the dwellings to the south. In this way, the proposal may well accord with various important parts of the Exeter City Council Residential Design Supplementary Planning Document (2010) (SPD). However, I observed that expansive views of the site are available from large parts of public footpaths within Ludwell Valley Park to the south. From these viewpoints, the site is seen on the hillside, with the cityscape visible in the distance beyond, thereby enhancing the importance of the rural appearance of the appeal site. Furthermore, within these viewpoints, the contrast in character between the utilitarian appearance of the cluster of nursery buildings including the appeal building, and that of the domestic appearance of the residential dwellings to the south is highly evident.
10. The proposed development would incorporate high quality and traditional materials. However, the building would take on a residential appearance with a garden and associated residential paraphernalia. Due to the larger roof structure and its position on the rising topography being clearly visible from public viewpoints within Ludwell Valley Park, it would be seen as an encroachment of urban form into the rural character of this area. Consequently, the proposal would result in harm to the rural character of

Ludwell Valley Park which provides an important contribution to the landscape setting of the city.

11. I therefore conclude that the proposal would harm the area's overall character and appearance. This would result in conflict with Objectives 8 and 9 of the Exeter Local Development Framework Core Strategy (2012) (CS) which seek to protect and enhance the cities natural setting that is provided by the valley parks and create and reinforce local distinctiveness and raise the quality of urban living through excellence in design.
12. It would also conflict with CS policies CP4, CP16, CP17 and LP policies DG1, H2 and LS1. These policies seek, amongst other things, to ensure development of high-quality design that protects the character and local distinctiveness of Valley Parks and achieves the highest appropriate density compatible with the character and quality of the local environment. The proposal would also be contrary to the provisions of the National Planning Policy Framework (Framework) in relation to achieving well-designed places which are visually attractive and are sympathetic to local character including the surrounding built environment and landscape setting, and guidance found within the SPD in relation to achieving high quality townscape and landscape.

Carbon reduction

13. CS Objective 1 and CS Policy CP15 identify a need to adapt to climate change and deliver a low carbon future for the plan area and identifies that residential development will be required to achieve a reduction in CO2 emissions. Such a need is also reflected within guidance found in the SPD.
14. The appellant accepts the principle of meeting the policy requirement, but no specific details are provided at this stage. Nevertheless, there is no clear reason why a planning condition could not be imposed on the grant of any planning permission to ensure that the proposal meets the requirements of CS Policy CP15. Consequently, I find that with such a condition, the proposal could accord with the provisions of CS Objective 1 and Policy CP15, and guidance found within the SPD.

Other Matters

15. I note that there is an extensive planning history, and that the appellant has sought to address previous reasons for the refusal of a similar scheme. However, this scheme still falls to be considered on its merits and I have found it to be harmful. Nothing in the history, therefore, leads me away from my earlier findings.

Conclusion

16. Whilst I have found that carbon reduction measures can be secured via condition, this would be neutral in the planning balance. As the proposal would fail to preserve the character and appearance of the area, there would be conflict with CS objectives 8 and 9 and policies CP4, CP16, CP17 and LP Policies DG1, H2 and LS1 and the development plan, read as a whole.

17. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR