



Appeal Decision

Site visit made on 31 May 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 27th June 2023

Appeal Ref: APP/Y1110/D/23/3320342

45 Pennsylvania Road, Exeter EX4 6DB

- 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 S Williams against the decision of Exeter City Council.
 - The application Ref: 22/1206/FUL dated 1 September 2022, was refused by notice dated 19 January 2023.
 - The development is erection of 2 storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 storey rear extension at 45 Pennsylvania Road, Exeter EX4 6DB in accordance with the terms of the application, 22/1206/FUL dated 1 September 2022, subject to the conditions set out in the schedule at the end of this decision letter.

Preliminary Matters

2. The description of development indicates that the development is retrospective although the application forms indicate that the work has been started without consent but not at that date completed. The Council has also referred to the development as having been completed at the time of its determination. At the time of my site visit the development appeared to be substantially complete; however, I was not satisfied that the development undertaken, for example the window details, was in strict accordance with the submitted plans. As the application forms set out that the development had not been completed and given my assessment of the works undertaken at my site visit, I am required to consider the development on the basis of the submitted plans.
3. The Appellant's appeal statement refers at paragraph 5.3 to further architectural details that could be added; these were submitted, including with an elevational plan to the Council during the application process, but it would appear that the Council did not accept them as formal amendments during the application process. They did not therefore form part of the determination of the application by the Council. The Appellant sought to submit the plan showing these further details during the appeal process, but as they had not been formally considered by the Council at the application stage and were not formally submitted at the outset of the appeal, I have been unable to accept the plan as a formal addition to the appeal plans. Nonetheless the Appellant's appeal statement is before me, including a written description of details which could be included.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the existing dwelling and on the Longbrook Conservation Area.

Reasons

5. The appeal property is a substantial, three storey end of terrace property, which fronts Pennsylvania Road and sides onto Hoopern Lane, which appears to be heavily used as a pedestrian walkway. The site lies within the Longbrook Conservation Area, which is an attractive residential area comprising a wide variety of dwellings, dating predominantly from the Victorian and Edwardian periods and a number demonstrating architectural detailing from the Arts and Crafts Movements. The more dense development along some of the main roads, including Pennsylvania Avenue, opens out into more spacious and verdant development along some of the side roads, all contributing to the attractive composition and significance of this Conservation Area.
6. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
7. The scheme relates to the demolition of the single and two story rear elements and their replacement with a two storey element. It would be no deeper than the main house and would not project further forward than the side gable. The pitched roof would sit under the eaves line of the side gable. In terms of scale and proportions it would be read as a subordinate addition to the main dwelling which is of substantial size. In the principal views of the dwelling, notably when approaching along Hoopern Lane, I consider that in terms of scale and massing it would appear as a proportionate and subservient addition to the main dwelling. I do not therefore agree with the Council's view that the development would be an incongruous addition to the main house.
8. However, in terms of detailing I consider that the addition would not appear as an integrated extension of the property but that such concerns are relatively minor in nature to address and could be resolved by way of the imposition of a condition to require detailed amendments. Indeed Paragraph 55 of the National Planning Policy Framework (Framework) sets out that consideration should be given as to *whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*. At Paragraph 5.3 of the Appellant's appeal statement, a series of potential amendments have been proposed and I consider that some or all of these would assist in ensuring that the extension would be better integrated with the existing house.
9. Subject to the imposition of a condition to require the submission and approval and then implementation of some minor design changes to the scheme, I am satisfied that the extension would respect the character and appearance of the existing dwelling and the significance of the Conservation Area; it would preserve the character and appearance of the Longbrook Conservation Area. There would be no conflict with Policy CP17 of the Exeter Local Development Framework Core Strategy (2012), Policies DG1 (b, f, g and h) and C1 of the Exeter Local Plan First Review 1995-2011, and the Council's Supplementary Planning Document Householder's Guide to Extension Design (2008) and the Framework and in particular Sections 12 and 16, all of which amongst other

matters, seek a high quality of design which respects the local context and the significance of designated heritage assets.

Other Considerations

10. Although not a reason for refusal the Officer's report refers to the fact that the site is adjacent a row of Grade II listed buildings which form a row of terrace dwellings and are located across the road from the site. The Appellant has not referenced these listed buildings.
11. The Council has, at my request, provided me with further information in this regard; the terrace is some 14 dwellings, some of which are now subdivided as flats, at Nos 34- 60 Pennsylvania Road on the eastern side of the road opposite the terrace which includes the appeal property. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses, in considering whether to grant planning permission for development which affects a listed building or its setting.
12. The row of properties is an attractive terrace of red brick, three and four storey Victorian houses. Given the small scale of the proposed development and its siting facing towards Hoopern Lane rather than Pennsylvania Road, I am satisfied that the development would not affect the setting of the listed terrace opposite the site. The setting of the individual properties and terrace would be preserved.
13. The Appellant has drawn my attention to other appeal decisions in the local area (APP/Y1110/W/20/3265339 and APP/Y1110/W/15/3134764). Each proposal must be considered on its individual merits and furthermore, although both were in the Longbrook Conservation Area, the scheme proposals were very different in form to the scheme before me.

Conditions

14. In terms of conditions, I agree with the Council that the materials should match the existing to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.
15. As already set out, I also consider that a condition should be imposed to require further details to be submitted and approved and implemented to protect the character and appearance of the dwelling and the Conservation Area. I have included those matters from the Appellant's suggestions submitted with the appeal that I consider would be necessary in order to secure improvements to the scheme details and a more integrated solution, but have sought to allow the Appellant and the Council to agree the precise range and form of those detailed changes. As the Appellant has suggested these further changes, I do not consider it necessary to go back to the parties to seek their approval.
16. The Council has sought a construction hours of working condition and I agree that this is necessary given the residential nature of the local area.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (Conditions 1-5 inclusive)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Qda.073 30; Qda.073 31; Qda.073 32.
- 4) The extension hereby permitted shall not be first occupied unless and until further architectural details have been submitted to and approved in writing by the Local Planning Authority to include, amongst other matters:
 - i) Further details of the windows and door in the side elevation, in terms of siting, recess, and materials;
 - ii) Brick and stone detailing to the side elevation; and
 - iii) Addition of hopper and rainwater pipe to the side elevation.

The approved details shall be implemented prior to the first occupation of the extension hereby permitted and thereafter retained.

- 5) Demolition or construction works shall take place only between the hours of 08.00 and 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.