



Appeal Decision

Site visit made on 15 August 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/Y1110/D/23/3324401

2 Baring Crescent, Exeter, Devon EX1 1TL

- 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 Becky McMurray against the decision of Exeter City Council.
 - The application Ref 23/0439/FUL, dated 31 March 2023, was refused by notice dated 25 May 2023.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 2 Baring Crescent, Exeter, Devon EX1 1TL in accordance with the terms of the application, Ref 23/0439/FUL, dated 31 March 2023, and the plans submitted with it, 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: 21/1267v.2/P00 revision A, 21/1267v.2/P01 revision A, 21/1267v.2/P02 revision A, 21/1267v.2/P03 revision A, and 21/1267v.2/P04 revision A.
 - 3) No development above slab level shall take place until samples of all external facing materials of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved materials.
 - 4) Demolition or construction works shall take place only between 0800 and 1800 Monday to Friday, 0800 and 1300 Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Main Issues

2. The main issues are:
 - The effect of the proposals on the character and appearance of the host dwelling and St. Leonards Conservation Area; and
 - The effect on living conditions of neighbouring occupiers at St Luke's House, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is within the St. Leonard's Conservation Area (CA). The CA is characterised by residential development with a mix of architectural styles, notably including a number of large early to mid-19th century stucco villas, often set in generous gardens. Well-maintained terraces including brick built Victorian and Edwardian houses also make an important contribution to the character of the area, along with numerous gardens and green spaces. I find that the significance of the CA as a whole derives from the intact pattern of the historic buildings and their cohesive architectural groupings, alongside their layout, gardens and other green spaces. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable weight.
4. Baring Crescent focusses on a semi-circular private park, with a unified group of large and elegant mid-19th century stucco villas, fronting onto the private road and overlooking the park. At the northern end of the crescent, the appeal property is one of three replacement 20th century dwellings which disrupt this character. These properties are of a smaller scale, and historically front onto Heavitree Road, turning their backs on the Crescent. As part of a small grouping of comparatively modest houses, the appeal property sits comfortably within the plot pattern and street scene, and is a neutral presence within the Conservation Area.
5. In the recent past, the road address of the appeal property and its neighbours at Nos 2A and 3 was changed from Heavitree Road to Baring Crescent. The appeal site now has two road 'frontages'; Heavitree Road to the north which is the publicly perceived front of the property and conforms to the original layout of the plot; and Baring Crescent to the south, which is the formal address of the property.
6. The appeal property is a two-storey link detached dwelling, with rendered elevations under a pitched tile roof. A series of ground floor extensions have been completed in render to the south and east of the house. The proposals on the north-west side of the property would be predominantly render under a pitched tiled roof, alongside an elevation of timber cladding primarily to the Baring Crescent frontage.
7. On the Heavitree Road elevation, the extension would step down in height from the main ridgeline, matching the existing materials and proportions of the property and maintaining the simple character of this elevation. Whilst it would not step back from the main wall, the clear step down in ridge and eaves height would maintain subservience to the main house. From this primary public vantage point, the development would not be unduly prominent, or result in harm to the character of the property or the street scene.
8. On the Baring Crescent elevation, the proposals would introduce a two storey pitched roof elevation, faced with timber cladding. A pitched roof form is considered to be appropriate, reflecting both the host dwelling and a similar form of extension at No 3. And, whilst timber cladding is not found on the property, it is present in the local area, including on modern extensions such as

this. I acknowledge that the eaves of the rear projection would sit just above the eaves height of the main house, and that the elevation would project considerably beyond the main building line. However, the additional step down in ridge height, the reduced massing of the pitched roof, and the modest width of the extension in relation to the main building would, overall, maintain subservience to the host dwelling.

9. Whilst some of these issues and the projection of the extension would conflict with some of the General Principles of the Householder's Guide to Extension Design Supplementary Planning Document (SPD), the purpose of the SPD is to guide high quality design that respects local character and the street scene. In this instance, the Baring Crescent frontage is the original rear elevation of the property. It is set well back from Baring Crescent, behind a continuous line of tall close-boarded fencing and substantial garden vegetation. Even though the address change has officially made this the new front elevation, its perception and contribution to the street scene is that of an enclosed rear garden. The proposed extension is therefore not considered to be harmful to local character or the street scene in this context.
10. My attention has been drawn to a previous appeal decision at the site which found harm to the character and appearance of the host dwelling and the CA. Though I do not have the full details of that scheme before me, it is evident that those proposals included a prominent flat-roofed extension of a contrasting character to the main house, projecting forward from the public-facing Heavitree Road elevation. These are important and material differences to the proposal before me, which in my view, has overcome the concerns identified by the previous inspector.
11. For the reasons outlined above, I find that the proposals would not harm the character and appearance of the host dwelling and its surroundings, including the wider CA. It would therefore comply with Policy CP17 of the Exeter Core Strategy, and Policy DG1 and C1 of the Exeter Local Plan (the Local Plan). Taken together, these policies require, amongst other things, that the form, design, and materiality of new development relates well to the local built context and character of the area, and that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA.

Living conditions

12. St Luke's House lies to the west of the appeal site on the corner of Baring Crescent and Heavitree Road. It is a two and a half storey property, set at a lower ground level than the appeal site. Its rear elevation faces towards the proposed extension, with windows at three levels. The majority of these windows are obscured glazing or not habitable rooms, however a bedroom and the kitchen/dining room space would look out towards the proposals. There is a reasonable separation distance between the two properties formed by gardens on either side of a tall brick boundary wall, and some thin intervening vegetation.
13. The proposals would change the outlook of the occupants of St Luke's House, bringing the north-western elevation of the appeal property closer to the shared boundary. In addition, the intervening vegetation is unlikely to be retained during the course of construction, and there would be limited space on the appeal site to replace it.

14. I do not have details of the approved two-storey extension or the previous appeal scheme before me, but note that they were both in the same position as that proposed, and of a broadly comparable height and, in the case of the appeal scheme, massing. The previous inspector considered that the proposed extension would not cause unacceptable harm to the living conditions of the occupiers at St Luke's House. There is no evidence before me to demonstrate that this scheme would be more harmful to the outlook from the neighbouring property. Moreover, the effect on the neighbouring dwelling would be moderated by the use of contrasting materials on part of this elevation to break up the visual massing, by the two steps down in the ridge height as the extension turns the corner, and by the pitched roof of the southern projection and its roofline sloping away from St Luke's House.
15. Accordingly, I conclude that the proposals would not cause unacceptable harm to the living conditions of the occupiers at St Luke's House. This would comply with Local Plan Policy DG4 and Principle 3 of the SPD which require development to, amongst other things, ensure a quality of living conditions which allows residents to feel at ease within their homes and gardens.

Conditions

16. I have reviewed the conditions provided by the council, having regard to the advice provided in the Planning Practice Guidance (PPG)¹. In the interests of certainty, I have attached conditions relating to the commencement of development (1) and specifying the approved plans (2). Given the nature of the proposed development and its location within the conservation area I have also considered it necessary to attach a condition relating to the external materials of the extension (3). Finally, I have attached a condition restricting the hours of working on the site during the period of construction (4) to safeguard the living conditions of adjacent occupiers.
17. For the reasons given above I find that the development would comply with the development plan when read as a whole, and there are no material considerations that carry sufficient weight to indicate a decision otherwise than in accordance with it. Accordingly, I conclude that the appeal should be allowed.

K Jones

INSPECTOR

¹ PPG reference ID: 21a-003- 20190723; revision date: 23 07 2019