



Appeal Decision

Site visit made on 19 February 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28.02.2024

Appeal Ref: APP/Y1110/D/23/3336113

20 Bonhay Road, Exeter, EX4 4BR

- 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 Chris Green against the decision of Exeter City Council.
 - The application Ref 23/0515/FUL, dated 19 April 2023, was refused by notice dated 21 November 2023.
 - The development proposed is described as loft conversion with dormer and external access stairs.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced. Within the current National Planning Policy Framework December 2023 (Framework) paragraphs 130, 199, 200 & 202 of the Framework 2021 have been renumbered 135, 200, 201 and 203, although their content is unchanged. For the avoidance of any doubt, I confirm that in this decision I have referred to the new numbering.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the existing building and St David's Conservation Area (SDCA). The second main issue is the effect of the proposal on the living conditions of the occupiers of 19 Bonhay Road (No.19), with particular regard to privacy.

Reasons

Character and appearance

4. The special architectural qualities and historic attributes, including the contribution made by numerous listed and locally buildings, areas of listed parkland, varied pattern of development and topography all contribute to the significance (heritage interest) of the SDCA.
5. The appeal site is situated in the southwest corner of the SDCA and comprises one of a pair of semi-detached houses with shallow pitched slate roofs and similar fenestration and design detailing. Their flat front elevations front directly onto the pavement and their side gardens are enclosed by tall front walls. Both dwellings have painted brick front elevations and uncluttered front and rear roof-slopes.

6. The pair of dwellings front onto Bonhay Road, which is a busy distributor road and which forms part of the western boundary of the SDCA. Beyond Bonhay Road is the Mill on the Exe Inn and car park, with the River Exe beyond. Almost immediately to the rear of the pair of dwellings is a steep treed escarpment which rises above the houses, where it borders onto the modern housing development in Dinham Crescent.
7. Immediately to the north of the appeal property the escarpment projects up to the back edge of the highway and is separated from the pavement by a tall stone wall. It continues north towards the railway bridge and forms a strong historic and verdant feature along the western edge of the SDCA. The escarpment tails off a short distance to the south of the pair of dwellings, where it meets the modern housing development in Exe Street. Close to the junction of Bonhay Road and Exe Street there are open views towards the rear of the pair of dwellings and the treed escarpment.
8. On the opposite side of Exe Street is the densely planted St Batholomew's Cemetery, which dates back to the early 19th century and is Grade II* listed. From around the junction of Bonhay Road and Exe Street the escarpment and the cemetery are both clearly visible and the trees within them make a material contribution to the verdant character, appearance and setting of the SDCA. Although the pair of dwellings sit within this part of the escarpment, due to their modest size and simple uncluttered form and design, they have a neutral impact on the SDCA and its setting.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&CA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Objective 8 of the Exeter City Council Core Strategy 2012 (CS), and policy C1 of the Exeter Local Plan First Review 1995 – 2011 (LP), are consistent with this.
10. Collectively paragraphs 205, 206 and 208 of the Framework, state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Any harm to a heritage asset requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. Together and amongst other things CS Objective 9 & policy CP17 and LP policies DG1 and DG4 (b), seek to optimise the potential of sites, whilst ensuring that proposals are to a high standard of sustainable design. They should complement and promote Exeter's character and local identity; create and reinforce local distinctiveness and raise the quality of urban living through excellence in design. Paragraph 135 of the Framework similarly seeks to ensure that new development is of the highest quality design and is sympathetic to local character and history.
12. Section 4 of the Exeter City Council Householder's Guide to Extension Design (SPD), addresses roof extensions. It advises that dormer windows will not normally be permitted in areas mainly without dormers. Also, if a dormer is required to provide headroom rather than natural light it will likely be

unacceptable. Generally, dormer windows should be located centrally within the roof-slope. Their size should be kept to a minimum and they should be set 0.5 metres below the ridge line and one metre from the eaves line. Also, roof extensions and alterations will not be acceptable where they are likely to overlook neighbouring properties.

13. Whilst dormer windows are not a common feature in the immediate area, they are evident on the opposite side of Bonhay Road at Eagle Cottages, at the opposite end of Exe Street and within the conservation area as a whole. Within and around the conservation area there are also a number of projecting front gable features. Whilst some of these dormer windows and gable features sit below the main ridge height others project close to the ridge and eaves lines.
14. Within this context the proposed dormers, which would be set in from the sides of the rear roof slope would not look out of place within the locality. Due to their modest proportions, they would not dominate the rear roof-slope. Any views of them from the street scene would be extremely limited and would include from just to the north of the appeal property and in a more distant glimpse from the entrance to Exe Street. During the summer months they would be less visible due to the screening provided by the treed escarpment. This highlights the close proximity between the dormers and the escarpment.
15. I note that there is an external staircase on the main elevation of the Mill on the Exe Inn. It serves a central first floor entrance; its landing is located below the first floor windows; and its pitched roof canopy is set well below the ridge line of the main roof. Persons using the staircase are seen against the front elevation of the building.
16. Conversely the proposed flight of steps would be taller and longer and would project to the side of the building, immediately adjacent to the escarpment. Whilst most of the stairs would be screened by the tall wall to the front of the garden and the host dwelling, the tops of the side railings and persons using the steps would be visible above the wall and to the side of the dwelling. They would intrude into views of the treed escarpment, where they would slightly dilute the simple form of the pair of dwellings and detract from the natural character and appearance of the escarpment.
17. Overall, due to their close proximity the treed escarpment would dominate the proposed dormers and external access and the relationship between them would appear cramped. The proposed steps would reduce the small yard area to the side of the dwelling, which already offers limited amenity value due to its modest size and its enclosed and overshadowed environment.
18. As a result of these factors the proposal would result in the property appearing over-developed and having a cramped relationship with the embankment. It would detract from the character and appearance of the host dwelling and the character, appearance and significance of the SDCA. Whilst the harm to the significance of the SDCA would be very modest and thus less than significant, it nonetheless needs to be weighed against the public benefits of the proposal. During its construction, the proposed loft conversion would provide direct and indirect employment and so would contribute to the local economy. In addition, the proposal would make full and effective use of the existing building. However, both individually and together these public benefits would clearly fail to outweigh the harm that would be caused to the significance of the

SDCA. Similarly, this harm would not be outweighed by the benefits for the appellant that would result from the additional accommodation.

19. Regarding precedent, there are no comparable pairs of dwellings backing onto the embankment. As such this does not add to my concerns relating to the impact of the proposal on the host property and the SDCA.
20. For these reasons I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the host dwelling and would fail to preserve or enhance the character and appearance of the SDCA. The less than substantial harm the proposal would cause to the significance of the SDCA would not be outweighed by any public benefits. Accordingly, the proposal would conflict with CS objectives 8 & 9 and Policy CP17, LP Policies C1, DG1 & DC4(b) and paragraphs 135, 205, 206 & 208 of the Framework.

Living conditions

21. The appeal dwelling is deeper than and its rear elevation is orientated slightly away from the adjoining dwelling at No.19. The proposed steps would be located partially to the side of the host property and would project across just over half the width of the dwelling. For most of this distance they would be screened from No.19 by the projecting rear catslide roof. Beyond the steps the landing area could potentially facilitate views over the end of the rear yard area and the escarpment. However, any glimpses would be minimal and no windows or the main yard area to the side of No.19 would be overlooked.
22. For these reasons I find that the proposal would not result in a material and unacceptable loss of privacy for the occupiers of No.19.
23. I conclude on the second main issue that the proposal would not have a materially adverse impact on the living conditions of the occupiers of No.19, due to over-looking and loss of privacy. Accordingly, in this respect the proposal would comply with CS objective 9, LP Policy DG4(b), SPD paragraph 4.4 and paragraph 135 of the Framework.

Other matters

24. Having regard to the submitted preliminary bat roost assessment the council has raised no concerns relating to biodiversity. I have no reason to disagree with this view. Whilst I note that the appellant has raised several concerns relating to the consideration of the proposal by the council, these are not material to my consideration of the merits of the scheme.

Conclusion

25. Whilst I have found in favour of the second main issue, the conclusion on the first main issue represents a compelling reason for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR