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## Appeal Decisions

Site visit made on 15 April 2024

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 May 2024**

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### **Appeal A Ref: APP/Y1110/W/23/3330612**

#### **11 Friars Walk, Exeter, Devon EX2 4AY**

- 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 Jeff Jenner against the decision of Exeter City Council.
  - The application Ref 22/0944/FUL, dated 6 February 2023, was refused by notice dated 19 May 2023.
  - The development proposed is described as '*proposed removal of existing double garage and erection of single storey apartment*'.
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### **Appeal B Ref: APP/Y1110/Y/23/3330625**

#### **11 Friars Walk, Exeter, Devon EX2 4AY**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) against a refusal to grant listed building consent.
  - The appeal is made by Mr Jeff Jenner against the decision of Exeter City Council.
  - The application Ref 22/0945/LBC, dated 6 February 2023, was refused by notice dated 19 May 2023.
  - The works proposed are described as '*proposed removal of existing double garage and erection of single storey apartment*'.
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## Decisions

### *Appeal A and B*

1. Both appeals are dismissed.

## Preliminary Matters

2. This decision letter considers two appeals. Appeal A relates to an application for planning permission and Appeal B to listed building consent. They essentially relate to the same proposal, and as such I have considered both in this single decision letter. Albeit both appeals are considered under their respective legislative context.

## Main Issues

3. The main issues for both appeals are:
  - Whether or not the proposal would preserve the setting of the Grade II listed buildings.
4. The main issue for Appeal A also includes:
  - The effect of the proposed development on the character and appearance of the Southernhay and The Friars Conservation Area.

## Reasons

5. The proposal seeks to demolish the double garage and store attached to 11 Friars Walk and the erection of a one bedroom single-storey apartment dwelling. The appeal building is a four floor semi-detached Grade II listed subdivided internally into eight self-contained residential apartments, surrounding curtilage and external amenity spaces. No.11 Friars Walk is part of a group of Grade II listed Greek revival style villas of early to mid-C19 origin, circa 1840. The host building does not share the pilasters and bracketed eaves of Nos. 1-10 but is otherwise of corresponding age, design and appearance presenting a raised Tuscan porch, timber sash windows throughout, rendered walls and hipped slate tiled roof. The site is located within the Southernhay and The Friars Conservation Area.
6. As detailed within the Appellant's statement, the significance of Nos 11 and 10 Friars Walk principally derives from their architectural value, as well their historical illustrative and aesthetic values associated with their architecture. No. 11 has some historical associative value in relation to its documented past uses. As standing buildings, Nos 11 and 10 Friars Walk have aspects of their setting that contribute towards their significance. They form part of a group of 12 semi-detached villas fronting Friars 16 Walk, and extending to the rear to the former service road of Lucky Lane. Each originally had gardens extending around the three sides of the villas, several of which (including 11 Friars Walk) incorporated outbuildings (some likely being stables) alongside Lucky Lane.
7. This pattern of properties and surrounding streets forms the character and the principal component of the setting of the Listed Buildings. Elements of this character have changed, most notably the construction of garages within the rear of the gardens accessed from Lucky Lane. Similarly, there are developments and new rear accesses and garage on the opposite side of this highway within the current and former gardens of Colleton Crescent. The front garages at 11 Friars Walk form part of a smaller number of side extensions to the group of villas.
8. The six couplings of listed buildings in Friars Walk appear to have been designed to be viewed in unison as repeating pairs of villas and all share several fundamental characteristics including side entrances, symmetrical sash windows, level eaves line and hipped tiled roofs. The original structures express almost identical or highly comparable heights, form, scale/ massing and open space between the principal structures with hipped roofs.
9. The proposal would see the existing double garage facing onto Friars Walk replaced with a single storey one bedroom dwelling, with flat roof and enlarged footprint. This enlarged footprint is shown on drawings FW SK06 Rev B, FW SK02 Rev B and FW SK05 Rev C, where the 'rear' element of the proposal would extend further into the rear amenity space towards Lucky Lane. This would reduce the separation between the retained garages on Lucky Lane and the proposed building from roughly 9.5 metres to 6.7 metres as detailed on the submitted drawings.
10. The result of the proposal would be that the plot would be further subdivided. Indeed, the permanent splitting and subdivision of the plot to add an infill dwelling and associated landscaping sandwiched between two existing pairs of buildings of a similar age and design would not respect or integrate with the prevailing urban grain, the form, proportions or layout of listed buildings. Nor

- would the proposed relationship preserve or enhance the special character or appearance of the conservation area more broadly.
11. Corresponding plot sizes and openings between the main buildings are overt defining features of the listed group. A single storey one bed infill unit and garden area is a fundamentally inappropriate arrangement and use of limited value which is incompatible with existing townscape.
  12. Accordingly, the proposed development and works would fail to preserve the setting of the Grade II listed building as required by s16(2) and s66(1) of the PLBCAA. It would also fail to preserve or enhance the character or appearance of the Conservation Area. Whilst the proposal would result in no greater than less than substantial harm to these heritage assets, great weight should be given to the assets conservation (in accordance with *National Planning Policy Framework* (the Framework) Paragraph 205).
  13. Paragraph 208 of the Framework requires this less than substantial harm to be weighed against the public benefits. The Appellant finds that the proposal would not harm the aspects of setting contributing to their significance of the listed buildings. I disagree for the aforesaid reasons. No public benefits are explicitly stated in their case. Whilst I consider that the provision of a single bedroom dwelling could be a public benefit weighing in favour of the proposal, I do not find that the public benefits outweigh the identified less than substantial harm.
  14. Accordingly, I find that the proposal would be contrary to Policy CP17 of the *Exeter Local Development Framework Core Strategy*, Policies C1, C2, DG1 and DG4 of the *Exeter Local Plan First Review 1995-2011* which, amongst other aims, seek to ensure that the pattern of street blocks, plots and their buildings and development within a consideration area must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal would also conflict with policies of the Framework including those contained in chapter 16 relating to heritage.
  15. The proposal would, therefore, not accord with the adopted development plan when considered as a whole and there are no material considerations indicating a decision otherwise than in accordance with it.
  16. For the reasons given above, I conclude that both Appeal A and B should be dismissed.

*C Parker*

INSPECTOR