



Appeal Decision

Site visit made on 5 June 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2024

Appeal Ref: APP/Y1110/D/24/3340186

41 Park Lane, Exeter, EX4 9HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Wayne Hopton against the decision of Exeter City Council.
 - The application Ref is 23/1206/FUL, dated 01 October 2023, was refused by notice dated 11 December 2023.
 - The development proposed is a flat roof garage with English Cedar cladding.
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Decision

1. The appeal is allowed and planning permission is granted for a flat roof garage with English Cedar cladding at 41 Park Lane, Exeter, EX4 9HL, in accordance with the terms of the application Ref: 23/1206/FUL, dated 01 October 2023, subject to the following condition:
 - 1) Within 3 months of the date of this decision, a scheme for the retention and maintenance of the soft landscaping to the northern side of the garage hereby permitted shall be submitted to and approved by the Local Planning Authority in writing. If any of trees or plants from the scheme which within a period of 5 years from the date of this decision, die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. The appeal was received by the Planning Inspectorate after the 12 week deadline for the submission of a householder planning appeal from the Council's decision date. However, the appellant has provided a copy of correspondence with the Council which specifically stated that the deadline for the submission of a householder planning appeal to the Inspectorate was within 3 months, rather than within 12 weeks. On this basis and in these specific circumstances, as the appeal was submitted within 3 months of the Council's decision, the Planning Inspectorate have accepted the appeal as submitted within time and therefore as valid.
3. The works associated with the appeal proposal have taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
4. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use, rather than the retention of works or the continuation of a use. I have therefore not included the wording

'retrospective' in the description of the development as was included on the decision notice.

5. Following the decision by the Council and before the submission of the appeal by the appellant the revised National Planning Policy Framework December 2023 (the Framework) was published. There are no substantive changes relevant to the appeal before me, and therefore the Council, the appellant and other interested parties would not be prejudiced by my consideration of the 2023 version of the Framework.

Main Issue

6. The main issue is the effects of the development on the character and appearance of the area.

Reasons

7. Park Lane is a narrow residential street that rises up from the B3181, it widens slightly when approaching towards the appeal site and its surroundings. The Lane is characterised by pleasant residential properties on either side, which are predominately set back from the highway with garden areas fronting towards the Lane, often, but not exclusively, with narrow driveways and adjacent natural boundary enclosures.
8. No.41 is a semi-detached brick built two storey dwelling, its front garden area, as is similar to the neighbouring property adjacent, is more open than the properties opposite, the garden space to the front is mostly laid to hard surfacing to provide for off street parking areas. To the north-eastern side of No.41 is a side garden area which is enclosed from the neighbouring property by a high level timber fence. It is within this garden area, at a position adjacent to the highway, and beyond the forward building line of No.41 where the appeal proposal has been constructed.
9. The proposal provides for a domestic garage/ store and is a relatively low-level structure as a consequence of its flat roof, that is faced externally with vertical timber cladding. An area of landscaping has been planted to the side of the garage building, between it and Park Lane.
10. From all that I observed during my site visit, I am of the view that the proposal acceptably integrates into its surroundings. The building appears cut into the rising topography within the side garden area of No.41, and is set back from the highway behind the recently planted boundary hedging. As a result, the garage does not appear as an overly dominant building mass within its surroundings, it is characteristic of a sub-ordinate outbuilding to the host dwelling and does not unduly compete or jar with it, or override its legibility.
11. I acknowledge that the external timber cladding at present, as it has been recently installed, does appear somewhat fresh in appearance. However, as the material is a natural timber, it will soon weather and season over time. I also note that a similar timber cladding material has been used elsewhere in the surrounding area with acceptable effects. Subject to the retention and maturing of the landscaping to the roadside adjacent to the appeal building, it will further assimilate into its surroundings.
12. I appreciate the Council's 'Householder's Guide to Extension Design' Supplementary Planning Document 2008 (the Householder SPD), amongst

other matters, suggests that detached garages and outbuildings should, but not exclusively, be set back at least 1m from a front main wall of a house to preserve the character of the street. In this case I observed a number of similar scaled building structures to the appeal proposal in front garden areas along Park Lane. In my view, these structures have assimilated well into context as a consequence of their low level building form, choice of materials and natural landscaping adjacent. I have the same conclusions with the appeal proposal, which I consider will preserve the character of Park Lane.

13. Therefore, I find that the proposal would accord with Policy CP17 of the Exeter Local Development Framework Core Strategy 2012, Saved Policy DG1 of the Exeter Local Plan First Review 1995-2011 and the Householder SPD, which collectively, amongst other matters, seek to secure development that promotes local distinctiveness and compliments character and local identity. The proposal would also accord with paragraph 135 of the Framework, which, amongst other matters, requires development to be sympathetic to the surrounding built environment.

Conditions

As the appeal is retrospective, a standard time limit to commence the appeal development and a condition listing the approved plans are not required. I have included a condition regarding the future management of soft landscaping to the north of the garage in the interests of the character and appearance of the area.

Conclusions

14. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR