



Appeal Decision

Site visit made on 06 August 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/Y1110/W/24/3344015

Garages and land to the rear of 14 Sylvan Road, Exeter EX4 6EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by Graham White against Exeter City Council.
 - The application Ref is 23/1245/PMI.
 - The development proposed is permission in principle for demolition of garage and development of 1no. new dwelling.
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Decision

1. The appeal is dismissed and permission in principle for demolition of garage and development of 1no. new dwelling at garages and land to the rear of 14 Sylvan Road, Exeter EX4 6EW is refused.

Preliminary Matters

2. The Council failed to determine the application within the prescribed period. Following the submission of the appeal, the Council have prepared an officer report which advises that had the Council determined the application, planning permission would have been refused. Putative reasons for refusal are given and identify that the principal concerns relate to the effect of the development on the character and appearance of the area, the effect on the living conditions of the occupiers of neighbouring properties and whether the proposed development would provide an acceptable living environment for future occupiers.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) (PiP) establishes whether a site is suitable in-principle, and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.
5. The application was supported by a block plan showing an indicative site layout. I have treated the plan as being for illustrative purposes only.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

6. The main issues are whether the location, proposed land use and the amount of development is acceptable.

Reasons

Location

7. The site comprises a small triangular parcel of land to the rear of 12 Sylvan Road and a narrow access track from the road which runs between 12 and 14 Sylvan Road. The site slopes upwards from the road and accommodates a detached flat roof triple garage.
8. The site is located in a residential area. Dwellings on Sylvan Road comprise a mixture of imposing 3-storey red brick terraced dwellings occupying narrow plots with deep rear gardens and 2-storey detached and semi-detached dwellings of varied designs set within spacious plots. These dwellings typically have a modest set back from the road and are orientated towards the road. The exception to this is 10 Sylvan Road which does not face the road and has a deep set back behind a long driveway. Nonetheless, this is a large dwelling which occupies a large plot commensurate with the plot size in the local area. The layout and form of dwellings in the area, in addition to mature planting within front gardens, results in a pleasant and verdant street scene.
9. Permission in principle is sought for the erection of one dwelling. There are no details provided of the exact layout or scale of the dwelling in accordance with the requirements of an application for PiP. Nevertheless, given the limited site size and its siting in relation to the road, the proposed dwelling would have limited street presence and would occupy a smaller plot than dwellings in the surrounding area. Given this it is evident that any new residential development here would be unrelated to the layout of dwellings in the area.

Land use and amount

10. As a proposal for housing which would be located amongst other residential properties, there is little reason in principle to anticipate a conflict in land use.
11. The Council has expressed a concern that the appeal site is too small to satisfactorily accommodate a dwelling without harm to the living conditions of the occupiers of neighbouring properties with particular regard to overlooking. Additionally, it is stated that, due to the site's scale, the development would fail to provide an acceptable standard of living for future occupiers with particular regard to the amount of internal living space and private amenity space, privacy, outlook and natural light levels.
12. There is no detail before me regarding the size and siting of the dwelling, the amount and siting of amenity space, the position, size and orientation of proposed windows or separation distances from neighbouring development. Nonetheless, these details would form part of the TDC application and consideration of these matters will be addressed at that stage.

Conclusions on site suitability

13. Whilst I have identified that there would be no conflict in relation to the land use and amount of development proposed, the site would not be a suitable location for residential development having regard to the effect on the

character and appearance of the area. It would therefore conflict with those aims of Exeter Local Plan First Review (2005) (LP) Policies CP4, CP17, AP1, H2 and DG1 and Core Strategy (2012) (CS) Objectives 8 and 9 which collectively seek to ensure a high-quality townscape which protects the character and quality of the local environment. I also find conflict with the Residential Design Supplementary Planning Document (2010) which has similar aims.

14. I find no conflict with LP Policy DG4 or CS Objective 3 which seek, amongst other matters, to ensure a quality living environment which makes efficient use of previously developed land.

Other Matters

15. The appeal site lies within 10km of the Exe Estuary Special Protection Area (SPA) and within 10km of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) in which proposals including a net gain in residential development have the potential to give rise to significant effects (either alone, or in combination with other proposals). As I have found harm in relation to the main issue, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SPA and SAC.
16. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling on a brownfield site with good access to facilities, services and public transport. There would be short-term economic benefits arising from the construction process and council tax revenues in the longer term. These matters weigh in favour of the proposal. However, these benefits would be limited given the scale of the development.
17. The Council's Environmental Health Officer and Devon County Council's Highways Officer raised no objections to the proposal. However, compliance with the relevant development plan policies on these matters would be required in any case. Thus, this weighs neutrally, rather than in favour of the proposal.

Conclusion

18. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed and planning permission refused.

N Robinson

INSPECTOR