



Appeal Decision

Site visit made on 13 March 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/Y1110/W/24/3356808

Morwenna Alphington Street, Exeter, Devon EX2 8AT

- 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 T Faber against the decision of Exeter City Council.
- The application Ref is 24/0868/FUL.
- The proposed development is described as: 'To increase the HMO from 8 bedrooms to 9 bedrooms'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the National Planning Policy Framework (the Framework) has been revised. However, I am satisfied that there are no changes of any consequence for the main issues in this appeal.
3. The description used on the decision notice does not match that on the application form. But I have not been provided with written confirmation that a revised description was agreed by the appellant. Accordingly, I have taken the description in the heading above from the application form, omitting superfluous wording.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of occupiers of the building;
 - the character and appearance of the Princes Square Conservation Area (PSCA).

Reasons

Living Conditions

5. The appeal proposal is to convert the existing communal living room into a single bedroom, which is already equipped with a shower room, a washbasin and a toilet. The proposed ground floor plan provided shows that two external doors would be the sole external opening for this bedroom. These doors would directly face a flank wall of the neighbouring property, which is a few metres away. At my site visit, I observed that this room has only a window, and not the external doors shown on the existing floor plan. Given the proximity to the aforementioned flank wall, with the existing window or new doors installed, the appeal proposal would result in a poor level of outlook for occupiers of the proposed single bedroom.

6. The appellant suggests that the existing communal living room is an unused space as the residents use the existing kitchen / dining area instead. However, I am mindful that its level of use may vary, depending on the circumstances or preferences of different groups or individuals.
7. I note that the Council's standards for HMOs license applications do not set out the size requirements for a dining room. At my site visit, I observed that the kitchen appears to be fully equipped. However, the dining area would be relatively small for four individual residents. In particular, part of the kitchen / dining area is also a circulation space, providing access to the existing bedroom located at the end of the corridor and the proposed additional bedroom. As a result, the usable area as a kitchen / dining area would be smaller than from what is suggested. Therefore, the appeal proposal would result in a cramped living environment adversely affecting the living conditions of occupiers.
8. I appreciate that an HMO licence for 9 persons has been granted for this property. However, the licencing regime is separate to the planning system and holding an HMO licence does not mean that planning permission should be granted.
9. I conclude that the appeal proposal would fail to provide acceptable living conditions for its occupiers. In this regard, it would conflict with Policy DG4 of the Exeter Local Plan First Review adopted 2005. This seeks to preserve the amenity of the occupiers.

Conservation Area

10. The appeal site is located within the PSCA, I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this respect, national policy on heritage assets is set out in the Framework. Paragraph 203 of the Framework sets out matters which should be taken into account including the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Policy DG1 of the Exeter Local Plan reflects this.
11. The PSCA was designated in March 1992, and the PSCA Appraisal states its significance lies mainly in its historic planned street layout and park, together with its once important horticultural businesses. The appeal site is situated to the eastern side of Alphington Street. This area is characterised by mainly 3 storey terraces, running parallel with the road and set behind small front gardens. Most have gabled dormers, substantial chimney stacks and ornamentation to emphasise architectural features. The appeal site is one of these terraces, and it shares these identified architectural features with other terrace properties on this row. As such, the appeal site makes a positive contribution to the significance of the PSCA.
12. At my site visit, I observed that a number of wheelie bins were put outside this property, and there was a timber shed in the front garden. The proposed ground floor plan however shows only a bike shed and two wheelie bins in its front garden. There is little information to demonstrate if additional wheelie bins are necessary, or if the existing storage is sufficient for the appeal proposal. Furthermore, if all of the existing wheelie bins need to be kept in the front garden, the bike shed would not be accessible as is suggested in the drawing provided.

13. The appellant suggests that the existing shed could be reorganised to accommodate additional bins, and that a detailed refuse and recycling management plan could be implemented. However, specific details of what such re-arrangement and management would be and where exactly the shed or bins would be situated have not been provided. Accordingly, I am not satisfied that such arrangements could be reasonably achieved given that the front garden is not large in size.
14. For the reasons set out above, the appeal proposal would harm the significance of the PSCA, therefore it would not preserve or enhance the character or appearance of the PSCA. Due to the scale and nature of the proposed development, the harm to the heritage asset would be less than substantial.
15. The approach in the Framework is that where a proposal would lead to less than substantial harm to a heritage asset, as in this case, that harm should be balanced against the public benefits of the proposal.
16. The proposal would provide one additional single bedroom in a location with good access to services and facilities. I acknowledge that restoration works may have been carried out to the building, and that bedrooms in this property may exceed the minimum rooms sizes set out in the Council's standards for HMOs. There would be some economic benefits of engaging local professionals, tradesmen and suppliers and the ongoing benefit of the occupiers of the appeal proposal utilising local facilities. I give these public benefits limited weight due to the modest scale of the proposal. Paragraph 212 of the Framework states that great weight should be given to the conservation of a heritage asset. I am not satisfied that these public benefits outweigh the degree of harm identified.
17. Overall, the proposal would harm the significance of the PSCA, and would fail to preserve or enhance the character or appearance of the PSCA. Consequently, in this regard, the proposal would conflict with Policy CP17 of the Exeter Local Plan Development Framework Core Strategy (Adopted February 2012), and Policies H5 and DG1 of the Exeter Local Plan First Review adopted 2005. Amongst other things, these policies seek to ensure all development is well designed and of a high quality to protect the character and appearance of the area.

Other Matters

18. The appeal site lies opposite two listed terraces, Hampden Place and Sydney Place. Their architectural design, refined fenestration and elegant railings are characteristics that contribute to the listed buildings' special interest.
19. Section 66(1) of the Act requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
20. With regard to the setting of these listed buildings, the appeal site and the listed buildings are separated by Alphington Street. Given the considerable distance, the appeal proposal would not result in any harm to the setting of these listed buildings. Therefore, I am satisfied that the setting of the listed buildings would be preserved. Accordingly, in this regard, the proposal would comply with Policy CP17 of the Exeter Local Plan Development Framework Core Strategy, and Policies H5 and DG1 of the Exeter Local Plan First Review adopted 2005.

21. I appreciate that the proposal may not increase flood risk. But it is not a benefit of the scheme and so this does not alter my overall conclusion.

Conclusion

22. The proposal conflicts with the development plan and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

O Tresaie

INSPECTOR