



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: 02 July 2025

Appeal Ref: APP/Y1110/W/24/3358070

396 Topsham Road, Exeter, Devon EX2 6HE

- 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 Jamil Miah against the decision of Exeter City Council.
 - The application Ref is 24/0123/FUL.
 - The development proposed is described as: 'New dwelling to the rear of 396 Topsham Road with associated car parking and landscaping'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Revised plans were submitted to the Council prior to its decision. The Council has confirmed that it considered these revised plans and so I have determined the appeal on these revised plans. I am satisfied that no party is prejudiced by my doing so.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 394 Topsham Road, with particular regard to privacy and outlook; and
 - the living conditions of the occupiers of 396 Topsham Road, with particular regard to privacy, outlook, noise, disturbance and light pollution.

Reasons

Character and Appearance

4. The appeal site comprises a large, detached two-storey residential building with a large rear garden. In the immediate vicinity, there is a hotel located adjacent to the site and a petrol station situated opposite. Although the surrounding properties vary in scale, design, and building materials, with the exception of a few properties, they are fronting the main road and feature good size front gardens. Some properties, such as the appeal site, have mature hedges along their front boundary. Together with street trees which line the road, these elements contribute significantly and positively to the character of the area and create a pleasant and spacious street scene. This creates a sense of local distinctiveness,

characterised by a strong linear pattern of development and a clearly defined urban grain.

5. The appeal proposal is to subdivide the site and erect a detached 6-bedroom dwelling spanning three floors. Although it would be located at the furthest corner of the rear garden, it would be visible from the street, the access road, across the hotel car park, and the adjacent roundabout. Furthermore, its substantial scale and excessive height would introduce an incongruous feature that would detract from the prevailing character of the area. Moreover, the layout fails to respect the predominantly linear pattern of development, further disrupting the area's cohesive character. As such, the appeal proposal would result in significant harm to the character and appearance of the area.
6. My attention has been drawn to other developments in the area, including examples said by the appellant to be backland development. However, from my observations at my site visit, none of these are seen within the same context that the appeal development would be. So I do not find them directly comparable and they do not change my conclusion on this main issue.
7. Overall, I conclude that the proposal would harm the character and appearance of the area. Therefore, in this regard, it would not comply with Policy CP17 of the Core Strategy adopted 21 February 2012 (Core Strategy) or Policy DG1 of the Exeter Local Plan First Review adopted 31 March 2005 (First Review). These policies require that new development is designed to the highest standard to promote good design and local distinctiveness.

Living Conditions - No 394

8. The proposed dwelling would be positioned at an angle with a considerable separation distance from this neighbouring property. However, the new dwelling would comprise three floors of accommodation, with bedroom windows located on the front elevation at both first and second floor levels. In addition, there would be a bedroom window at the second floor of the proposed side (northwest) elevation, and it would be facing the private rear garden of No 394. Therefore, the proposal would result in a perceived loss of privacy for the neighbouring property, which would have a detrimental effect on the living conditions of its occupiers.
9. With regard to the outlook, although the new dwelling would be substantial size, it would be sited further away from this neighbouring property. Therefore, in this regard, the proposal would not result in a poor outlook to this neighbouring property.
10. Overall, I conclude that the proposal would be harmful to the living conditions of the occupiers of the existing property, No 394. Therefore, it would conflict with Policy DG4 of the First Review, which requires new development to be designed to protect the amenity of the occupiers of the adjoining development.

Living Conditions - No 396

11. The appellant contends that the separation distance between the proposed dwelling and the main dwelling would exceed the guidance set in the Council's Residential Design Supplementary Planning Document. However, Policy DG4 of the First Review states that three storey dwellings will often be required to be spaced further apart from the norm. Although the submitted documents describe

the proposal as a two-and-a-half-storey dwelling, it would, in fact, comprise three floors of accommodation. The combination of its substantial scale, excessive height, and the number of windows facing No 396 would result in a significant loss of privacy and a poor outlook for the existing dwelling.

12. Drawings provided show that a new access would run along the side elevation of the existing dwelling following the demolition of an existing single storey side extension. The appellant suggests that the eastern elevation of No 396 is largely blank with no habitable windows looking onto the proposed driveway. However, I observed that there are some large windows on that elevation at my site visit. There is limited information provided regarding the type of rooms served by these windows. Furthermore, none of the submitted drawings indicate whether these windows would be blocked up or retained. Notwithstanding that, the windows on the front elevation of the proposed dwelling would largely face those windows on the rear elevation of the existing property. Given its scale and the proximity to the existing dwelling, the noise, disturbance and light pollution associated with the movement of vehicles would have a detrimental effect on the living conditions of the occupiers of the existing property.
13. Overall, I conclude that the proposal would be harmful to the living conditions of the occupiers of the existing property, No 396. Therefore, in this regard, it would conflict with Policy DG4 of the First Review, which requires new development to be designed to protect the amenity of the occupiers of the adjoining development.

Planning Balance

14. The appeal proposal would harm the character and appearance of the area, and the living conditions of the occupiers of No 394 and 396. I have judged the magnitude of the harm as significant.
15. The proposal would provide a self-build dwelling, which would make a modest contribution to the self-build supply, of which there appears to be an inadequate supply. It would also be an energy efficient family dwelling, which would likely be delivered quickly. There would be temporary and ongoing economic benefits due to the construction of the proposal and ongoing domestic expenditure in the area from its occupants. There would also be some environmental benefits associated with the installation of a sparrow terrace and the planting of new native-species rich hedgerow. However, the combination of these benefits would be limited due to its modest scale, I therefore attach limited weight to these benefits.
16. The appellant suggests that the Council can no longer demonstrate a five-year supply of land for housing. However, the suggested figures have not been confirmed by the Council. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Other Matters

17. The appellant states that there is a fallback position whereby a single storey outbuilding could be constructed under permitted development rights in the same location. Whilst I accept that a single storey outbuilding could be constructed on

the appeal site in some circumstances, as a matter of my planning judgement, its effects in respect of the main issues in this appeal would not be worse than the appeal development. Moreover, such an outbuilding by definition would be incidental to the enjoyment of the existing dwellinghouse. This in effect would be very different to an entirely new dwelling. Therefore, I ascribe the fallback position described limited weight and it makes no difference to my overall decision.

18. Whilst the Council has raised highway safety concerns in its report, it did not include highway safety as a reason for refusing the application in its decision and no objection was raised by the highway authority. Therefore, I have not considered this matter any further.

Conclusion

19. The proposed development conflicts with the development plan and there are no material considerations to indicate that the decision should be taken other than in accordance with it. Therefore, the appeal is dismissed.

O Tresa

INSPECTOR