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Town and Country Planning Act 1990 and its orders

FULL PLANNING PERMISSION REFUSED

LOCATION: 70 Pennsylvania Road, Exeter, Devon, EX4 6DF

PROPOSAL: Two storey building containing purpose-built student accommodation comprising 6 bedrooms

APPLICATION NUMBER: 23/0652/FUL

The Local Planning Authority refuses planning permission for the above development for the following reasons:-

- 1) The proposal is contrary to Paragraph 130 and Section 9 of the National Planning Policy Framework, Objectives 1, 3 and 9 and Policies CP4 and CP17 of the Exeter Local Development Framework Core Strategy, Saved Policies H2, T3, DG1 and DG4 of the Exeter Local First Review 1995-2011, Policies EN4 and D1 of the Exeter St James Neighbourhood Plan, Chapter 8 of the Residential Design Supplementary Planning Document and Chapter 5 of the Sustainable Transport Supplementary Planning Document because:-
 - i) by virtue of its position, size and design, the proposed development would have a harmful impact on the prevailing character, grain and quality of the local townscape;
 - ii) by virtue of its position, size and design, the proposed building would have a looming and imposing impact on Nos. 68 and 70 Pennsylvania Road that would be harmful to the residential amenities of existing and future occupiers of the buildings and affect their ability to feel at ease in their homes and gardens;
 - iii) by virtue of its position, size and design, the proposed scheme would result in a significant loss of garden space for the existing property and provide a poor quantity and quality of communal space for the proposed number of residents, which would not create a high standard of amenity for existing and future users of the plot;
 - iv) insufficient communal bin storage provision in the proposed scheme would have a detrimental impact on the quality of residential amenity for existing and future users of the property and the need for additional capacity would be likely to further reduce the amount of available open amenity space;
 - v) the absence of bicycle storage provision means the scheme would not maximise opportunities for promoting sustainable forms of travel and would result in lower standards of residential amenity being provided by the scheme; any subsequent retrofitting would be likely to further reduce the amount of available open amenity space;

vi) the use of obscure glazing on all windows in the lounge/kitchen/diner would provide a poor outlook from a main habitable room and not provide a high quality of amenity for future users of the building; and
vii) by virtue of the above reasons, the proposal represents an overdevelopment of the site and does not achieve the highest appropriate density without harm to local amenity and the character and quality of the local environment.

2) The proposal is contrary to Paragraph 202 of the National Planning Policy Framework, Objective 8 and Policy CP4 of the Exeter Local Development Framework Core Strategy, Saved Policies C1 and H2 of the Exeter Local Plan First Review 1995-2011 and Policy H1 of the Exeter St James Neighbourhood Plan because:-

i) by virtue of its position, size and design, the proposed scheme would have a detrimental impact on the setting of a Positive Green Space (the Devonshire Place Play Area) and on the row of Edwardian buildings that make a positive contribution to the Longbrook Conservation Area, a designated heritage asset;
ii) the proposed scheme does not achieve the highest maximise density of development without harm to heritage assets; and
iii) the public benefits of the scheme would not outweigh the harm to the Longbrook Conservation Area.

3) The proposal is contrary to Saved Policy H5 of the Exeter Local Plan First Review 1995-2011 and Policy C3 of the Exeter St James Neighbourhood Plan because:-

i) for the reasons cited above, the scale and intensity of use of the plot, including the loss of the garden space, would harm the character of No. 70 Pennsylvania Road, the surrounding townscape and local amenity; and
ii) by virtue of the intensity of use, the overdevelopment of the plot and the overall layout and design, the scheme would prejudice the objective of creating a balanced community.

Overall, the Council concludes that the modest contribution made by this scheme to the supply of Purpose-Built Student Accommodation does not outweigh the harm identified above.

INFORMATIVES

1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However, in this case, the submitted proposal is contrary to the National Planning Policy Framework and the Council's Development Plan for a significant number of reasons. The Council is not convinced that the principle of the development is acceptable.

Signed



Roger Clotworthy
Exeter City Council
Service Lead- City Development
Date: 23rd November 2023

**Notification where planning permission refused or granted subject to conditions
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)**

Appeal

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, via the link below:
<https://www.gov.uk/appeal-planning-decision>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Planning Inspectorate customer support team
0303 444 5000
enquiries@planninginspectorate.gov.uk

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice. Please note that if you intend to submit an appeal which you would like examined by inquiry then you must notify us and the Planning Inspectorate at least 10 days before submitting the appeal (inquiryappeals@planninginspectorate.gov.uk). Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>)

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.