
Appeal Decision

Site visit made on 13 December 2016

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 December 2016

Appeal Ref: APP/X1165/W/16/3155625
59 Upton Road, Torquay TQ1 4AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Windsor against the decision of Torbay Council.
 - The application Ref P/2015/1220/PA, dated 8 December 2015, was refused by notice dated 3 February 2016.
 - The development proposed is an extension at rear basement level to form a self-contained unit (resubmission of P/2014/1025).
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Decision

1. The appeal is allowed and planning permission is granted for an extension at rear basement level to form a self-contained unit at 59 Upton Road, Torquay TQ1 4AJ in accordance with the terms of the application, Ref P/2015/1220/PA, dated 8 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: '2229/01'.

Main Issues

2. The first main issue is the effect of the proposals upon the character and appearance of the area. The second is the effect upon the living conditions of existing occupants within No 59 Upton Road with respect to the provision of outdoor amenity space.

Reasons

Character and appearance

3. The appeal building at the front faces onto Upton Road and is within a long terrace of buildings. The property is split level and the extension would be at lower ground level at the rear where there is a storage room accessed from an un-adopted, informal lane. The lane is not a through route.
 4. There is a gravelled area outside at the lower level of the building next to the rear lane. On either side boundary there are stone walls. The rear gardens and elevations of the properties in the terrace are visible from the lane. These have been subject to various alterations and additions. There is an external staircase at one adjoining property and a detached flat roofed garage within
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the garden of the other which opens onto the lane. Other gardens have various fences, walls and gates and openings as well as informal landscaping.

5. A strip of land on the opposite side of the lane is demarcated by a stone boundary wall on one side which helps to screen the lower level of the backs of the properties. This land also includes some domestic structures and is used as an informal area for keeping materials and vehicle parking opposite the buildings. There is no uniformity to the land and buildings along either side of the lane.
6. The proposal would involve a single storey extension with a pitched, hipped roof with a ridge that would be around sill height of the upper ground floor windows. It would be seen alongside the flat roof garage at the adjoining property and although it would extend close to the lane, would not dominate the street scene. The upper, most prominent parts of the building visible into the wider area would be unchanged by the proposal. Space would be retained to the side of the extension and the lane and it would not appear cramped.
7. In relation to the first main issue, the proposal would not have a harmful impact upon the character and appearance of the area. In this respect the proposal would not conflict with Policies DE1, DE3 and DE5 of the Torbay Local Plan¹ (LP).

Living conditions

8. The existing lower ground floor part of the building and the outside rear space cannot be accessed directly from the rest of the building. It is necessary to walk downhill along Upton Road towards Lymington Road to the access into the rear lane. Then, it is necessary to walk up hill along the lane to reach the back of the property. Although the amount of rear space would be reduced for existing residents, the existing external access to the remaining space would be made no worse by the proposal.
9. Given the current separation from the outside space it already appears to have a limited function for existing occupiers. The remaining space would be available for bin and cycle storage. The proposed unit would also have sufficient space for refuse and cycle storage. The Council has not suggested any conditions relating to this matter and I have not been referred to specific requirements for outdoor space.
10. In relation to the second main issue, the proposal would not have a harmful effect upon living conditions of existing occupants within No 59 Upton Road with respect to the provision of outdoor amenity space. This would comply with LP Policies DE1, DE3 and SS11.

Other Matters

11. The proposal would create a modest dwelling within a busy residential area close to a range of facilities. It would be a useful addition to the housing stock of the area. The nature or economic status of the likely occupants as raised by some objectors is not a matter that I can give much weight to.
12. There may be some additional comings and goings as a result of the new unit but this is unlikely to lead to any significant disturbance for nearby residents.

¹ Adopted Torbay Local Plan 2012-2030

The Council accepts that the highway safety and convenience impacts would be acceptable and I agree.

13. I have not been provided with suggested conditions but I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed.

Conclusion

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

A Harwood

INSPECTOR