
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/D/16/3161697

119 Roselands Drive, Paignton, Devon TQ4 7BT

- 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 Christopher Jeffs against the decision of Torbay Council.
 - The application Ref P/2016/0420/HA, dated 10 April 2016, was refused by notice dated 7 September 2016.
 - The development proposed is a timber constructed single storey extension to the side.
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Decision

1. The appeal is allowed and planning permission is granted for a timber constructed single storey extension to the side at 119 Roselands Drive, Paignton, Devon TQ4 7BT in accordance with the terms of the application, Ref P/2016/0420/HA, dated 10 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development above foundation level shall commence until further details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 3) No development above foundation level shall commence until there shall have been submitted to and approved in writing by the local planning authority further details of the roof construction including the roof lantern. The development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the details agreed in relation to conditions 2 and 3, the development hereby permitted shall be carried out in accordance with the and the following plans: P2016-0420-3; P2016-0420-4; and P2016-0420-6

Procedural Matter

2. The appellant did not include a description of the proposal on the application form. I have used the description from the Council's decision.

Main Issue

3. The effect of the proposal upon the character and appearance of the dwelling as well as the surrounding area.
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Reasons

4. The appeal site is a detached dwelling on the corner of Roselands Drive and the side road leading from that, Lynmouth Avenue. The extension would be positioned to the side of the dwelling in the gap that currently includes a timber gate with driveway behind, between the dwelling and No 2 Lynmouth Avenue.
5. There is no overriding uniformity in style, treatment of spaces neither between dwellings nor in the use of materials nearby. Many are semi-detached such as the neighbouring dwelling in Lynmouth Avenue. Some have gables facing the road, others have sloping roofs facing public views points. There are some single storey flat roof structures such as the detached garages and substation immediately behind the site and the garage opposite on the other side of Roselands Drive. Some high walls front towards the roads such as opposite the site where there is also a high section of Californian style block-work.
6. The dwelling is predominantly constructed of red brick with some hanging concrete tiles on the front and there is a browner hue to the profiled roof tiles. Nearby dwellings include areas of painted render as well as different tones of red, brown and yellow brickwork and tiles.
7. The flat roof of the proposed single storey building would extend the whole depth of the property, linking with the existing rear extension. It would be set back and down from road level. It would be between two dwellings and not in prominent view. The main front elevation would be visible from the road but its impact would not be much greater than the existing gate. The central roof lantern would be a minor feature reflective of nearby conservatories. The structure as a whole would not dominate the form of the original dwelling. The existing high, mature hedges would screen the development but are not necessary to retain for the purposes of this proposal.
8. The proposal for cladding the structure in cement composite planking would bring a new material to the immediate area. However it would not be out of place depending upon the colour used. I have therefore imposed a condition requiring further details to be agreed by the Council.
9. In relation to the main issue, the proposal would have an acceptable effect upon the character and appearance of the dwelling as well as the surrounding area. This would comply with Policies DE1 and DE5 of the Torbay Local Plan¹.
10. The proposed roof lantern is shown on drawing 'P2016-0420-6' as being a slightly irregular shape. From other details provided this does not appear to be intention and so I have attached a condition requiring further details for the roof construction. Another condition specifies the relevant drawings to provide certainty that the development will be implemented as proposed, taking account of the further details that need to be agreed with the Council.

Conclusion

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

A Harwood
INSPECTOR

¹ Adopted Torbay Local Plan 2012-2030