

Appeal Decision

Site visit made on 1 February 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/X1165/D/16/3162183

145 Penwill Way, Paignton TQ4 5JN

- 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 Dayne English against the decision of Torbay Council.
 - The application, Ref. P/2016/0686/HA, dated 17 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is a dormer and improvements to the south elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a dormer and improvements to the south elevation at 145 Penwill Way, Paignton in accordance with the terms of the application, Ref. P/2016/0686/HA, dated 17 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. PEN01-L01; PEN01(PL)11; PEN0(PL)02 Rev. 04; PEN01(PL)03 Rev. 01; PEN01(PL)04 Rev. 01.

Preliminary matter

2. The Notice of Refusal refers to Drawing No. PEN01(PL)10 Rev.01. However this has not been uploaded to the planning portal and I have not received a hard copy. I have therefore not taken it into account in reaching my Decision.

Main Issue

3. The main issue is the effect of the proposed front dormer on the character and appearance of the host property and the Penwill Way street scene.

Reasons

4. The Council acknowledges that the proposed dormer would sit slightly below the ridge line; would provide some symmetry with the windows below, and would be smaller than that previously refused under application ref. P/2015/0376. However, it is still considered that due to its size and box form the addition would be incongruous and dominant, and thereby detrimental to No. 145 and its surroundings.
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5. Turning firstly to design, the dwelling types include a number of properties where large gables form part of the front elevation, including to either side of No. 145. However, this is part of the existing variety of the street scene and although a proposal for gabled dormer of the same width and depth would be smaller, the existing rectilinear form of the front elevation seems to me to require a flat roofed dormer to remain in keeping.
6. In terms of size, the appellant says that the revised dormer would occupy only about a quarter of the roof plane and this seems to be about right. The addition would also be positioned against the chimney, which would reduce its prominence. In my assessment, the proposed dormer would not draw the eye as a dominant feature or in any way appear as incongruous.
7. If the Council is concerned as to precedent, as I regard the proposed dormer as being both in keeping and of an appropriate scale I do not share this concern. In any event, the appellant's Design and Access Statement demonstrates that because of the roof configurations including shallow pitches of the other houses in Penwill Way, the opportunities for front dormers are extremely limited.
8. Overall, I conclude that the proposed would not have an adverse effect on the character and appearance of either the host dwelling or the street scene of Penwill Way. There would therefore be no conflict with Policies DE1 & DE5 of the Torbay Local Plan 2012-2030 and Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.
9. I shall therefore allow the appeal and in so doing impose a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt.

Martin Andrews

INSPECTOR