
Appeal Decision

Site visit made on 28 February 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 08 March 2017

Appeal Ref: APP/X1165/D/16/3165629

109 Mount Pleasant Road, Berry Head with Furzeham, Brixham TQ5 9RU

- 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 Mrs Alison Holly against the decision of Torbay Council.
 - The application Ref P/2016/0861/HA, dated 9 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is to extend the front of the current dormer by 90 cm to create balcony.
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Decision

1. The appeal is allowed and planning permission is granted to extend the front of the current dormer by 90 cm to create balcony at 109 Mount Pleasant Road, Berry Head with Furzeham, Brixham TQ5 9RU in accordance with the terms of the application, Ref P/2016/0861/HA, dated 9 August 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) The development hereby permitted shall be carried out in accordance with the following approved plans: P20160861-01, P20160861-02, P20160861-03, P20160861-04 and P20160861-05.
 - 3) No development shall take place until details of the materials of the balustrade have been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details.

Main Issue

2. The main issue is the effect on the Brixham Town Conservation Area (the BTCA).

Reasons

3. The appeal property is a mid-terrace dwelling located on the south side of Mount Pleasant Road. Mount Pleasant Road is located some distance above the main centre of Brixham and the appeal property can be seen from within that centre and from rising land to the north on the opposite side of the valley. The BTCA consists of the coastal areas of Brixham and the centre and steeply rising sides of the town and is made up a mixture of building forms and uses.
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4. The slightly curved terrace is made up of two storey properties with pitched roofs. However, there are three dormers in the roof plane of the terrace; the appeal property, and two larger dormers which have been inserted into the roof planes of 97 and 103 Mount Pleasant Road to the west. They all break up the overall simplicity of the roof plane. However, when viewed from the centre and north of the town are seen in the context of buildings on higher ground behind.
5. The proposal is to remove the section of the roofplane in front of the dormer and create a balcony with a glass balustrade in front of the existing dormer. The top of the dormer would not change, nor would the plane of the existing windows, which would be converted into glazed doors. Because the balustrade would be set a short distance in front of those doors the apparent bulk of the insertions into the original roof form would increase, if only slightly.
6. Within the overall context of the mix of roofs, and in particular the existing dormer and the two larger dormers in the same terrace, the proposals would not appear out of keeping with the existing situation. It would still appear smaller than the dormers at Nos 97 and 103 and would be no more intrusive than the current situation. The character and appearance of the BTCA, and thus its significance, would thus be preserved.
7. As such the proposal would preserve the character and appearance of the BTCA to which special attention should be paid. It would therefore comply with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030 which require that development relates to the surrounding built environment in terms of scale, height and massing, does not dominate the character or appearance of the original property or the street scene in general, and conserves the distinctive character and appearance of the BTCA. It would also comply with paragraph 131 of the National Planning Policy Framework (the Framework) which indicates that account should be taken of the sustaining the significance of heritage assets.

Conditions

8. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
9. I have also imposed a condition requiring the details of the balustrade be submitted to and approved in writing to ensure that any colour of the balustrade is appropriate to the character and appearance of the BTCA.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR