

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/17/3166633

Peroma, Huxtable Hill, Cockington with Chelston, Torquay TQ2 6RN

- 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 & Mrs Graham Millard against the decision of Torbay Council.
 - The application Ref P/2016/1093/HA, dated 4 October 2016, was refused by notice dated 29 November 2016.
 - The development proposed is alteration and extension of dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for alteration and extension of dwellinghouse at Peroma, Huxtable Hill, Cockington with Chelston, Torquay TQ2 6RN in accordance with the terms of the application, Ref P/2016/1093/HA, dated 4 October 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: Location Plan, 2252 01, 2252 02 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the windows at first floor level in the east elevation shown to be fitted with obscure glass on drawing number 2252 02 Rev C have been so fitted, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issues

2. The main issues are the effect on:
 - the character and appearance of the area, including on the setting of the Chelston Conservation Area (the CCA); and
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- the living conditions of the occupiers of Byways in terms of light and privacy.

Reasons

Character and appearance and setting of the CCA

3. The appeal site lies in a section of Huxtable Hill which consists, predominantly, of semi-detached properties set with their own gardens facing the street. The gaps between the pairs of properties are reasonable, with garages or other outbuildings a short distance to the rear of the dwellings. The landform rises gently from east to west meaning that Peroma, and its semi-detached pair, Robinsgate, are at a slightly higher level than Byways to the west.
4. This section of Huxtable Hill does not have any footways with the southern boundary being vegetation. The CCA extends to the south. There are low walls forming the northern boundaries of the road.
5. The proposal would comprise a part two-storey part single-storey extension with the two storey element being on the western side away from Robinsgate, but on the side closer to Byways. The single storey extension would extend by approximately 6.3 m to the rear of the property, and the two storey element would extend by approximately 5.5 m to the rear. A new garage with workshop to the rear would be located to the side and rear linked to the main extension.
6. The Council's objections relate to the depth of the first floor element of the extension in relation to the depth of the existing property when combined with the size of the garage/workshop. The extension would be set in by a small amount from the side, which combined with the width would mean that the ridge would be set down from the ridge of the main property. The depth of the extension means that it could only be seen from Huxtable Hill through the gap between Peroma and Byways. Therefore the depth of the extension could only be seen at an angle. The angled view, together with the set down of the ridge, would mean that the first floor element would appear as a sub-ordinate extension to Peroma.
7. The garage/workshop would replace an existing structure and would be located behind the main part of the dwelling. It would be similar to other structures to the rear of the properties in this part of Huxtable Hill and would be in keeping with the character and appearance of the area.
8. Taking the various elements as a whole, they would appear sub-ordinate to the dwelling and would not dominate the property or adversely affect the character and appearance of the area.
9. As the proposed extension would be visible through the gap between Peroma and Byways it could be seen from the CCA on the south side of Huxtable Hill. However, it would be separate from the CCA and any views would only be limited. Consequently would not affect the character of the CCA, and thus its significance, which would therefore be preserved.
10. The proposed development would therefore be in keeping the character and appearance of the area and preserve the setting of the CCA. As such it would comply with Policy DE5 of the Torbay Local Plan 2012 to 2030 (the TLP) which requires that extensions to domestic dwelling should not dominate or have

other adverse effects on the character or appearance of the original property or on the street scene in general. It would also comply with paragraph 56 of the National Planning Policy Framework (the Framework) which indicates that developments should respond to local character, reflecting the identity of local surroundings and materials.

Living conditions

11. Byways is set at a slightly lower level than Peroma which would have the effect of increasing the apparent height of the proposal when viewed from Byways. As part of the application submission the then applicant provided a drawing showing the shadow cast by the proposal towards Robinsgate. This drawing did not show the shadow that would be cast in the afternoon towards Byways, but it is possible to interpolate this. Given the gap between the two properties I am satisfied that the proposal would not result in an unacceptable loss of light to Byways, even taking into account the door and windows in the west elevation of Byways facing the appeal property.
12. The proposal would have two windows in the side elevation of the extension. These would be to an en-suite bathroom and a secondary window to the bedroom. Subject to these being completed in obscure glazing and retained as such, I am satisfied that the proposal would not result in overlooking leading to an unacceptable loss of privacy for the occupiers of Byways.
13. Therefore the proposal would not result in unacceptable effects on the living conditions of the occupiers of Byways. It would therefore comply with Policy DE5 of the TLP which requires domestic extensions not to cause harm to the amenity of nearby properties. It would also comply with paragraph 17 of the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other matter

14. The appellants have referred to what they see as benefits from the proposal for the improvement of the environmental credentials of the existing house if permission were to be granted. However, I give this only limited weight, as there is nothing to show that they would not take place if the appeal were dismissed, or if a different design were to be promoted.

Conditions

15. 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.
16. I have also imposed a condition requiring materials to match the existing property in order to ensure that the extension properly integrates with the original dwelling. In addition, as set above, a condition is required to ensure that the two windows in the side elevation of the proposal are obscured glazed in order to protect the living conditions of the occupiers of Byways.
17. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

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

RJ Jackson

INSPECTOR