

Appeal Decision

Site visit made on 15 March 2017

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 17 May 2017

Appeal Ref: APP/X1165/W/16/3161755

10A Victoria Parade, Torquay, Devon TQ1 2BB

- 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 Adam Cairns against the decision of Torbay Council.
 - The application Ref P/2016/0474/PA, dated 19 April 2016, was refused by notice dated 3 August 2016.
 - The development proposed is a private terrace area at third floor level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Torquay Harbour Conservation Area.

Reasons

3. The appeal site is a residential apartment on the top two floors of a four storey building on Victoria Parade, overlooking Torquay Harbour. The site falls within the Torquay Harbour Conservation Area (CA). In determining this appeal, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the CA, which is a designated heritage asset, and my statutory duties¹ in this regard.
4. The appeal building is identified within the Torquay Harbour Conservation Area Character Appraisal (September 2004) (CACA) as a key building of architectural importance or one which makes a significant contribution to the townscape. Dating from the mid-late nineteenth century, the building sits within an important building group, identified for being of a similar date or character frontage detail. I saw during my site visit that the building is an attractive and well preserved example, with an appealing regular arrangement of sash windows at first and second floor levels complemented by three equal dormer windows at third floor level. As such, it makes an important contribution to the character of the CA as part of a collection of buildings at the northern end of Victoria Parade.
5. The proposed development involves removing one of three existing dormer windows in the slate mansard roof and forming a recessed terrace area accessed via new glazed doors flanked by full height windows spanning the

¹ Under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- width of the new opening. The terrace would be enclosed along its frontage by a frameless glass balustrade.
6. The new doors and windows would comprise painted wooden frames and the inner side walls of the terrace would be clad with dark slate which would match the existing roof covering and not in itself be harmful to the appearance of the building. However, the proposal would create an opening of approximately double the width of the existing dormer window and considerably taller than it. Due to its significantly different appearance, this would undoubtedly disrupt the rhythm of the arrangement of existing windows on the front façade of the building.
 7. The recessed terrace would also involve cutting away a substantial rectangular section of the existing roof. Viewed from street level below, particularly from the well-used pedestrian walkway running immediately along the water side, there would be a material change to the profile and shape of the roof. The form and detailing of the roof are important aspects of the building's overall quality and appear to have remained largely unchanged over time. They are also an intrinsic part of the architectural interest of the CA and as such are worthy of continued protection. Furthermore, the top section of the vertical glass balustrade proposed to the front of the terrace would protrude forward of the sloping mansard roof, interrupting the line of the historic roof feature. The resulting form of development would be unsympathetic to the character of the original building.
 8. It has been put to me that a considerable proportion of buildings along Victoria Parade have either terraces or balconies on their upper floors. During my visit I saw evidence of some first floor terraces and second floor Juliette balconies on buildings further south on Victoria Parade. However, I also noted the absence of such features on the buildings immediately surrounding the appeal site. I saw that a clear distinction can be drawn between the quality and age of the built form in the immediate vicinity of the appeal building and that further south along Victoria Parade, where the character and age of properties becomes more mixed. This is supported by the analysis contained within the CACA.
 9. The land rises behind Victoria Parade meaning that views of the appeal building's front elevation from across the harbour at Vaughan Parade are set against the backdrop of the mixed styles and ages of buildings to its rear. Much of this development also lies within the CA and includes a variety of fenestration styles, including balconies, inset terraces and different window types. Notwithstanding this, it is clear that the appeal building forms part of an historic cluster of development running immediately alongside the harbour front which despite the commercial uses at ground floor level retains a notable consistency in age and style. In this context, the design and overall appearance of the proposal would undermine the character of an historic building frontage in this important inner harbour area of the CA.
 10. My attention has been drawn to a major hotel development proposed on a site across the harbour from the appeal site. I do not have full details of the proposal before me and therefore do not know the circumstances of that case or its planning status. In any event, I must determine the appeal on its individual merits.

11. Having regard to all of the above matters, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the CA. It is my assessment that this harm would amount to less than substantial harm in the sense of the National Planning Policy Framework (the Framework). Paragraph 134 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. The appellant submits that the proposal would involve the provision of a new roof which would assist in the ongoing preservation of the building. It would also provide an outdoor space for the occupiers of no. 10A, bringing minor social benefits. These are matters that weigh in favour of the proposal. However given their very limited scale and scope, the public benefits of the proposal attract little weight in my overall assessment. On the other hand, I have found that the proposal would harm the significance of the CA, the conservation of which the Framework requires must be given great weight. I am also mindful that if the appeal were to be allowed, there is a reasonable prospect of pressure for similar developments to be repeated nearby, the cumulative effects of which could cause further harm to the CA.
13. On balance, I do not consider that the public benefits of the proposal would be sufficient to outweigh the harm to the CA that I have identified. Consequently, the proposal would fail to conserve or enhance the significance of this designated heritage asset. The proposal would therefore be contrary to Policies SS10 and DE1 of the Torbay Local Plan 2012-2030, which together seek to achieve well-designed development that sustains and enhances the distinctive character and appearance of Torbay's conservation areas. I also find conflict with paragraph 134 of the Framework insofar as it requires the conservation or enhancement of designated heritage assets.

Other Matters

The Council's Handling of the Application

14. The appellant has raised concerns about the level of engagement from officers of the Council in response to the proposed development, and the clarity of communication about the likely outcome of the application. Whilst I acknowledge the appellant's frustrations in this regard, my decision must focus on the merits of the proposal before me.

Conclusions

15. For the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR