
Appeal Decisions

Site visit made on 6 June 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/X1165/W/17/3169604

The Retreat, 6 Cherry Park Close, Torquay TQ2 6SY

- 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 Miss B Kemp against the decision of Torbay Council.
 - The application Ref P/2016/0846/PA, dated 2 August 2016, was refused by notice dated 21 December 2016.
 - The development proposed is for the redevelopment of site to provide a dwelling house of contemporary design.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are the effects of the development firstly, on the character and appearance of the area and secondly, on the living conditions of occupiers of neighbouring properties

Reasons

Character and appearance

3. The area's character and appearance is of a suburban neighbourhood of large bungalows set around an intimate cul de sac and served by long rear gardens. The quality of the area is enhanced by the similarity of design and verdant quality generally of the frontages. There is uniformity of bulk, height and massing generally to the properties on this road in particular. The genuine bungalow designs further softened by gently sloping hipped roofs over cream and white rendered elevations represent the prevailing character.
 4. The proposal would replace the bungalow with a two storey flat roofed contemporary style house. Having a similar footprint to the existing bungalow, the height of the roof would extend 300mm above the existing ridge of the present bungalow. The resulting accommodation would provide 3 bedrooms, study, bathroom, utility room and dining/kitchen on ground floor and a large lounge with access onto balconies to both the front and rear together with a master en-suite bedroom at first floor. External materials would include a grey finished GRP roof with external walls finished in a pre-coloured render with proprietary cladding panels to the front and rear. Windows would be grey coloured uPVC and the balconies would be framed with glazed balustrades.
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5. The house that would directly replace the bungalow in terms of its form, character and large rigidly symmetrical modern design would not be reflective of the low density single storey development that gives this particular cul de sac its attractive uniform character, appearance and distinctiveness. The height and massing together with the stark modern design would be out of kilter with the prevailing character. The flat roof and use of contemporary materials further exacerbates the incongruity of the proposed design and is not reflective of or responds well to the local character.
6. My attention was drawn to other properties that have been re-developed in similar suburban settings in the Paignton/Torquay area. Whilst the details of these schemes are not before me, from the photographs supplied by the appellant's agent, it is evident that the slope of the land in both cases allowed larger dwellings to be constructed on those plots, which appeared to have given an acceptable stepping down arrangement when viewed from the street. Each case has to be considered on its individual merits and I do not consider that approvals elsewhere would necessarily establish a precedent for re-development that involves such dramatic change in character as proposed here.
7. The combination of these factors as proposed leads me to conclude that the proposal would cause substantial and unacceptable harm to the character and appearance of the particular homogenous streetscene and, in turn, the local area. This would be contrary to Policy DE1 of the Torbay Local Plan (2012-2030) which seeks to ensure that new developments are well-designed and respect local character by responding to the surrounding built environment in terms of scale, height and massing that integrates with the existing streetscene. These policies are consistent with paragraph 64 of the National Planning Policy Framework (the 'Framework') that states that permission will be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

Living conditions of existing occupiers

8. The proposal would see a two storey element within close proximity to the side boundary of the adjoining property to the south. The two storey element would include windows facing this property and serving the large lounge area to the proposed house. At this close distance, the two storey element would have an unacceptable overbearing effect on the neighbouring property and have a quite markedly different impact by comparison with the gentle hipped roof arrangement of the present bungalow.
9. In addition, the lounge would have balcony areas, one to the front of the property and one to the rear. There is no unacceptable impact arising from the balcony additions to properties located to the north. However, both balconies would have direct views into the front and rear garden areas to the neighbouring property to the south, Casa Mesa which would result in unacceptable levels of overlooking from an elevated position. The neighbouring property's patio area has been laid immediately behind the timber screen fence. Consequently, the enjoyment of this presently well screened amenity space would be seriously undermined by the development. Again, reference is made to balconies having been approved on properties elsewhere in the area. This is not a good argument for establishing a blanket precedent

for permitting balconies, particularly as the harm caused will need to be assessed on a case-by-case basis.

10. I would conclude that the proposal would have a significantly harmful effect on the living conditions of occupiers of Costa Mesa by reason of loss of outlook and privacy. Accordingly, I find that these unacceptable impacts would be contrary to Policy DE3 of the Torbay Local Plan (2012-2030) which seeks to ensure that new developments do not unduly impact on the amenities of neighbouring uses most significantly criteria 4. This policy is consistent with paragraph 17 of the Framework.

Conclusion

11. Having regard to the above reasons and taking all other matters into account, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR