
Appeal Decision

Site visit made on 29 July 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/X1165/D/19/3227652

82 Summercourt Way, St Marys with Summercombe, Brixham TQ5 0RB

- 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 and Mrs Rawlings against the decision of Torbay Council.
 - The application Ref P/2019/0054, dated 13 January 2019, was refused by notice dated 28 March 2019.
 - The development proposed is first floor extension over existing garage joined to side elevation of main building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the lodging of the appeal, a referendum was held into the terms of the Brixham Neighbourhood Plan (NP). This now forms a part of the Development Plan and its policies hold statutory weight. Both parties were asked for their views on this change of status, but no responses were received. Its terms, which are relevant to this appeal, have been taken into account in my decision.
3. The Council used a different description of development on its decision notice than that set out on the application form. I have used that from the latter.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of neighbouring properties, having particular regard to outlook.

Reasons

Character and Appearance

5. Summercourt Way is a residential road that lies close to the edge of the town of Brixham. The road rises away from the direction of the town centre, initially this is fairly steep but becomes less so at its higher end.
6. 82 Summercourt Way is a small, semi-detached bungalow on the more gently sloping land at the upper end of the road. It lies in a prominent position at

the junction between the main estate road and a short cul-de-sac of bungalows that falls gently from it. These bungalows, and those immediately below on the main estate road, share a common design with similar finishes. They have flat-roofed garages adjacent to them.

7. The floor levels and ridge lines of the bungalows mirror the fall of the land from the estate road into the cul-de-sac. The manner in which they step down, allied to their matching designs, results in a high degree of symmetry and uniformity in the built form of this part of Summercourt Way. This adds greatly to the character and appearance of this part of the estate.
8. The proposed extension would not reflect the form of development here. Rather than mirroring the existing slight change between ridge levels, the ridge line of the proposed extension would stand considerably higher than the main ridge of No 82. Its eaves would be roughly at the level of the main dwelling's ridge line. In contrast with the very similar lengths of ridge lines on the properties in the cul-de-sac, the proposed ridge would be very much shorter. Furthermore, the span of the roof would be less than that of the property's main roof, with an asymmetrical form. The result would be an incongruous feature that would not sit comfortably in the street scene. This harm would be exacerbated as a result of the prominence of No 82.
9. It is said that the ridge line of the proposed extension would be lower than the roof of 84 Summercourt Way. However, as that dwelling is well-separated from No 82, is of a different design and set at a higher level, this would not mitigate the harmful effect on the street scene. I find similarly with regards to the other properties cited in the appellants' submissions – notably, 19, 30-36 and 40 Summercourt Way. These are all located some distance from the appeal site and are not seen in conjunction with it. They are located on the steeper section of the road, where dwellings are set at considerably different levels. This has resulted in a mixture of roof forms and ridge lines as buildings step down the hill, which is not found near the appeal site.
10. In the light of the above, I find that the proposed extension would cause significant harm to the character and appearance of this part of Summercourt Way by reason of its height and design. It would, therefore, be contrary to those terms of Policies DE1 and DE3 of the Torbay Local Plan, The Plan for Torbay: 2012-2030, adopted December 2015, (Local Plan), that require proposals to display good design and relate to their surrounding built environment. These are reflected amongst the terms of Policy BH5 of the Brixham Peninsula Neighbourhood Plan Policy Document 2012-2030, with which the proposal also conflicts.

Living Conditions

11. The Officer's report does not specify which properties' outlooks would be affected by the proposal. There is considerable separation between the properties on the opposite side of the cul-de-sac and the appeal site, estimated at 24m in that report. Although it would be readily seen from them, there would be little effect on their occupants' outlook which would remain open. As the garage which it is proposed to extend lies at the far end of No 82 from 80 Summercourt Way, the outlook to the latter's occupants would be unaffected. Lastly, 84 Summercourt Way is set on higher land than the appeal site and the two are well-separated. As a result, the proposed

extension would be seen from that property but there would not be a harmful effect on the outlook of their occupants.

12. In conclusion on this issue I find that there would be no harm to the living conditions of the occupants of neighbouring dwellings by reason of a loss of outlook. Therefore, the proposal would accord with those terms of Local Plan Policies DE3 and DE5 that seek to protect the occupants of nearby properties from harm to their amenity.

Other Matters

13. As my role to determine the appeal, it is not for me to comment on the handling of the application by the Council. That the proposal would not affect the privacy of the occupants of neighbouring properties, and that there was no objection from the occupants of No 84, does not outweigh the harm that I have identified.

Conclusion

14. Although I have found that there would be no harm to the living conditions of the occupants of neighbouring properties, neither this nor any other matter raised outweighs the harm to the area's character and appearance that I have identified. As such, the appeal is dismissed.

Roy Curnow

INSPECTOR