



Appeal Decision

Site visit made on 13 August 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2019

Appeal Ref: APP/X1165/W/19/3229567

Kenton Lodge, Croft Hill, Tormohun, Torquay TQ2 5NT

- 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 C Dixon against the decision of Torbay Council.
 - The application Ref P/2018/0404, dated 17 April 2018, was refused by notice dated 26 February 2019.
 - The development proposed is described as the 'construction of one dwelling with pedestrian opening in wall and associated works, works to existing building including fenestration changes, reinstatement of chimneys and changes to fascias, soffits and rainwater goods. (Revised plans received 20/12/18)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the planning application the appellant submitted revised plans. The above description of the development has been taken from the appellant's appeal form to reflect those revisions and the terms on which the Council refused the grant of planning permission.

Main Issue

3. The main issue is the effect on the character and appearance of the area including the Abbey Road Conservation Area.

Reasons

4. The appeal site is a sensitive one being located within the designated Abbey Road Conservation Area (CA). Kenton Lodge is an example of a villa from the 19th century. Along with other properties that lie nearby and are sited between Croft Hill and St Luke's Road, Kenton Lodge and its surroundings contribute to the planned resort development of Torquay. The form and setting of the building are reasonably well preserved and positively contribute to the significance of the CA.
5. The land to the rear of Kenton Lodge, which currently has an unkempt appearance, nonetheless remains open. From Croft Hill open views exist over the stone boundary wall across the site and beyond. The open surroundings to the rear of the properties between Croft Hill and St Luke's Road provide proportionate space for these notable buildings. This experience is little altered since the buildings were originally planned in the 19th century.

6. The proposal would reduce the openness at this point and erode views across the rear of this block of buildings. Furthermore, due to the siting and near full width of the built form it would effectively divorce Kenton Lodge from its proportionate and open setting at the rear. There is no historic evidence to indicate that Kenton Lodge has ever benefitted from a service building at the rear. Furthermore, the steeply sloping site does not lend itself to the provision of a service type building at this point. Consequently, the proposal would appear as a detached and separate dwelling.
7. The proposed dwelling would appear as a discordant feature within the deliberately planned and little altered context of large villas set within proportionately open grounds. The proposal would result in Kenton Lodge being separated from its surroundings and having inadequate space for the size and significance of the villa. This would appear as overdevelopment. Furthermore, the proposed dwelling, due to its siting and design would be incongruous within the context of large buildings and associated open space.
8. Therefore, I consider that the proposals would cause harm to the character and appearance of the area and the CA. Although I consider that the harm to the CA would be less than substantial, great weight ought to be attached to any such harm having regard to paragraph 193 of the National Planning Policy Framework (the Framework).
9. I note that the appellant sets out a number of alterations to Kenton Lodge as part of the proposals. They assert that these would, along with the tidying up of the land at the rear of Kenton Lodge, provide enhancement to the area. However, I do not have full details of the works, or the context that has led to the existing condition of the building and site. If substantial weight were to be attached to such matters in the absence of any evidence of why or how a property came to need improvements, it could encourage deliberate neglect in order that the condition could then be used as a suggested public benefit. Furthermore, I do not have a suggested means of properly securing the alterations to Kenton Lodge. I therefore afford little weight to these works.
10. The appellant has highlighted the lack of a demonstrable 5-year housing land supply, and this is not disputed by the Council in its evidence. The provision of an additional dwelling amounts to a benefit, albeit the weight I attach to the provision of a single property is limited, in the context of overall housing supply. The public benefits of the scheme, including the provision of additional housing do not outweigh the harm that I have found.
11. For the reasons set out above I find that the proposals due to their siting and design would appear incongruous. Therefore, the proposals would cause harm to the character and appearance of the area and less than substantial harm to the CA as a designated heritage asset. As such, the proposal would not accord with Policy SS10 of the Torbay Local Plan 2012-2030, which amongst other aims seeks to conserve and enhance the distinctive character and appearance of Torbay's conservation areas, while allowing sympathetic development within them. It would also fail to accord with the design and heritage objectives of the Framework.

Other matters

12. In accordance with paragraph 11 of the Framework and footnote 6, the tilted balance is not to be applied where protected areas, such as designated

heritage assets, would provide a clear reason for refusing the development proposed. As set out above I have found harm to a designated CA and so I do not apply the tilted balance here.

13. Finally, my attention has been drawn to a previous appeal decision on the site. However, this was for a different proposal and little detail has been provided in evidence. Moreover, each case must be assessed on its own merits, which is what I have done with this proposal.

Conclusion

14. The appeal scheme would be contrary to the development plan and material considerations do not indicate planning permission should be forthcoming. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR