



Appeal Decision

Site visit made on 1 July 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2019

Appeal Ref: APP/X1165/D/19/3226981

Haven House, Scarborough Road, Torquay, Devon TQ2 5UJ

- 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 Alistair Levie against the decision of Torbay Council.
 - The application Ref P/2018/1220, dated 4 December 2018, was refused by notice dated 20 March 2019.
 - The development proposed is described as the installation of PV solar panels to south side of roof, and charge point in car park for electric vehicles.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council on their decision notice have referred to the development as the '*Installation of PV solar panels to south side of roof, and charge point in car park for electric vehicles*'. However, the appellant has not utilised this description on their appeal form, providing a detailed description of the development alongside comments on the merits of the case. Further, no reference has been made to the charging point in the appellant's description on the appeal form. The original description on the application form which does refer to the charging point, deviates from the description on the appeal form and the decision notice, this description also states the aims of the development. Whilst I have taken full account of the aims of the development and the merits of the appellants case, with specific regard to the description of the development before me, I have used the description from the Council's decision notice, as I consider this to be a more accurate description of the appeal proposal.
3. Since the original decision was issued, it came to my attention that the Torquay Neighbourhood Plan – The Community's Plan to 2030 (2019) (the TNP) had been '*made*' on the 19 June 2019. As a consequence, the TNP now forms part of the development plan for the area. Policies from the TNP were not referred to in the decision notice. As a result of its change in status since the original decision was reached, I wrote to the main parties seeking their comments on the implications of the TNP to this appeal. I have assessed this appeal in light of the policies contained in the TNP where these are relevant.

Main Issue

4. The main issue is the effects of the development on the character and appearance of the area with particular regard to the Belgravia Conservation Area (the CA).

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through policy SS10 of the Adopted Torbay Local Plan 2012 to 2030 (2015) (the Local Plan) and Section 16 of the National Planning Policy Framework (2019) (the Framework).
6. Paragraph 184 of the Framework outlines that heritage assets range from sites and buildings of local historic value to those of the highest significance. It goes on to explain that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
7. Further, policy DE1 of the Local Plan addresses the design of development and explains that development should be well-designed, respecting and enhancing Torbay's special qualities. These include the character of the built environment, including areas and buildings of historic interest. Policy TH8 of the TNP states that development must be of a good quality design, respect local character in terms of height, scale and bulk; and reflect the identity of its surroundings.
8. Haven House is a three-storey guest house situated part way along the terrace which runs along the northern side of Scarborough Road and falls within the boundary of the CA. This side of the road consists of mostly guest houses and hotels which provide individual variety in terms of matters such as signage and external paint finishes, but nevertheless form a collective group with an overall uniformity. Rooflines of the terrace step upwards in stages, as the street rises when leading from Belgrave Road to the south-west towards Croft Road to the north-east. The primary elevations of the terrace are intermittently broken by square shaped façades, which project slightly forward of the adjacent building line and are raised above the levels of the eaves along the terrace.
9. The appellant, through their grounds of appeal has referred me to the Belgravia Conservation Area Appraisal (2006) (the CAA). The CAA amongst other matters explains that Scarborough Road was constructed between the 1850s and 1860s and through paragraph 4.1.14 states that the terrace *'though modest when compared with some historic frontage detail in Torquay, still represents good late 19th century townscape in a style that is undoubtedly coastal in emphasis. All the houses remain key buildings for the conservation area'*.
10. Following all that I saw during my site visit, I agree with the CAA that Haven House and other properties along the terrace provide valued features, that both individually and collectively contribute positively to the traditional character and appearance of the street scene, and the CA.
11. The appeal development seeks to install thirteen linked solar panels to the south facing roof of Haven House which would front towards Scarborough Road. The panels would be sited centrally on the roof presented in an overall

rectangular shape with two rows of five panels presenting vertically and one row of three panels above presenting horizontally.

12. The development also includes the provision of a charging point for electric vehicles within the car park of the appeal site. The Council have confirmed through their planning officer's report that they have no objections to the charging point for electric cars to be located to the rear of Haven House. From my site visit and my review of all of the information before me I have reached a similar view.
13. The appellant submits that visibility of the solar panels would be limited from public vantage points, and from locations where the panels would be visible, they would be viewed as an enhancement and would be attractive to tourists and guests to Torquay looking for a green accommodation provider.
14. From my site visit, I noted that views of the roof slope where the panels would be installed is predominately limited to Scarborough Road itself. Visibility is possible from the south-west when leading along the street from Belgrave Road and from outside of the building itself when looking back from the opposite side of Scarborough Road, adjacent to the boundary of the Cavendish Hotel. To the north-east towards Croft Road, views of the roof slope are more restrictive, this is as a result of the rising rooflines towards this direction, however, as you approach closer to the appeal site, the roof slope becomes visible from the opposite side of the road.
15. Whilst I acknowledge the appellant's point that there is not a footpath for the majority of the southern side of Scarborough Road from where the roof slope of Haven House is more visible, I nonetheless noted during my site visit that people were walking and parking on this side of the road, alongside regular activity in the car park of the Cavendish Hotel opposite the appeal site. Further, there is a section of footpath leading from Belgrave Road towards the entrance to the parking area of the Cavendish Hotel, from which the roof slope is visible. Therefore, I am of the view that the development would be visible from a number of vantage points which are in regular use by members of the public.
16. From the locations where the roof slope can be seen it presents consistently with the remainder of the terrace. From these viewpoints the raised level of the solar panels from the existing roof would appear at odds with the consistent pattern and profile of the traditional roofscape along Scarborough Road. Further, the panels through their collective scale and modern mechanical finish would represent a variation from the textured and recessive natural slate roof finishes along the road. As a consequence, the panels would present a discordant addition to the visual coherence of the terrace and these alterations would be detrimental to the character and appearance of the CA. The development would lead to less than substantial harm to the CA.
17. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as the CA), this harm should be weighed against the public benefits of the proposal. Less than substantial harm does not amount to a less than substantial planning objection when undertaking the necessary balance.
18. The appellant has submitted that there are a number of public benefits arising from the development that outweigh any harm that would arise. These include the promotion of the area to environmentally aware tourists, the contribution of

the development to the production of renewable energy and the lowering of carbon emissions. The appellant has also referred me to Torbay Council's Energy and Climate Change Policy Strategy 2014 to 2019, which is an important material consideration.

19. I fully acknowledge and understand the intentions of the appellant to generate energy in a sustainable manner and the resultant attraction this may provide to future visitors. However, given the small scale of the development the public benefits identified would at best be modest, and I consider that these benefits are more than outweighed by the harm that the development would cause to the character and appearance of the area, including that of the CA.
20. For the above reasons the proposal would harm the character and appearance of the area, including the CA, and would be contrary to policies SS10 and DE10 of the the Local Plan and policy TH8 of the TNP. It would also be at odds with the heritage aims of the Framework.

Other matters

21. The appellant has drawn my attention to a number of other examples of solar panels and other features visible within the CA and the nearby Torre Conservation Area. However, I do not have the full facts of these cases before me, and there are differences informing the relevant judgements that are based on the specific circumstances of an individual case. I have afforded these examples limited weight in my considerations.

Conclusion

22. Taking all matters into consideration, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR