
Appeal Decision

Site visit made on 11 September 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/X1165/W/19/3232409

Former Rutland Hotel, Daddyhole Road, Wellwood, Torquay TQ1 2ED

- 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 A Fudge against the decision of Torbay Council.
 - The application Ref P/2019/0008, dated 2 January 2019, was refused by notice dated 20 May 2019.
 - The development proposed is conversion and alterations to attic space into additional flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In February 2018, the Council granted consent for residential redevelopment of the land forming the Rutland Hotel, under planning reference P/2017/0751, including the subdivision of the hotel into five flats and the erection of three dwellings at the rear of the site. Work was underway at the time of my site visit.
3. After the application was submitted, planning permission was granted, on appeal¹, for a 3-storey, 4-bed house and associated landscape works on the appeal site. An amended drawing numbered 964 601 Rev C has been submitted with the appeal to include the approved house, and consequent changes to the site layout. The drawing also shows an additional parking space to serve the proposed flat. As the amended drawing largely reflects development that has already been approved, I have considered it as part of the appeal without prejudice to any parties.
4. The Council's second reason for refusal refers to No 1 The Dorchesters. The Site Location Plan submitted with the application indicates that No 1 is the property closest to the western boundary of the appeal site. However, it is clear from representations, and from what I saw, that the numbering of The Dorchesters runs from west to east, so it is No 5 that is closest to the appeal site. I have therefore considered the appeal on the basis that it is the impact on the privacy of No 5 that is one of the main issues.

¹ Appeal Ref: APP/X1165/W/18/3210937

Main Issues

5. The main issues are:

- a) The effect of the development on the character of the host property and whether the development would preserve or enhance the character or appearance of the Lincombes Conservation Area; and,
- b) The effect of the development on the living conditions of the occupants of 5 The Dorchesters with regard to privacy.

Reasons

Character and appearance

6. The appeal building is a large Victorian villa, with many original period features, including decorative quoins and window surrounds. It has pitched slate roofs, with concealed flat roofs between the ridges. Four chimney stacks rise above the ridges, one of which is particularly impressive and is surmounted by 10 pots. The building is readily visible from Daddyhole Road, and also from Daddyhole Plain, a public open-space and viewpoint, which lies at a higher level to the south. From here it is seen in association with Villa Capri, which is a building of a similar era and character.
7. The site lies within the Lincombes Conservation Area (the CA), the significance of which is derived from its detached Victorian buildings set in a verdant coastal hillside. The buildings and their spacious layout are redolent of its evolution as a fashionable holiday resort of the era. Although the building was clad in scaffolding at the time of my visit, it is clear, from the evidence before me, that it is a good example of the Victorian buildings that characterise the CA. This is reflected in its designation in the Lincombes CA Draft Appraisal within the category of "*other key buildings and groups of buildings of architectural importance or which make a significant contribution to the townscape*". The submitted drawings show that the approved scheme for its conversion will retain that character.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
9. It is proposed to increase the extent and height of the flat roofs, to accommodate an additional flat in the roof. This would result in vertical walls protruding above the ridgelines over much of the building. These vertical walls would be punctuated by window openings of horizontal proportions, wholly at odds with the vertical emphasis of the openings in the original building. The resultant roof form would harm the simple elegant proportions of the original Victorian villa. Although the raised flat roofs would be set well back from the facades of the building, they would still be readily visible from the road in front of the property and from Daddyhole Plain. From these viewpoints the proposal would appear as an incongruous addition to the building, having little regard to its original Victorian character.
10. The raised roof would not be higher than any of the chimney stacks. However, the flat roof would partly fill the space between them, and would also interrupt views of them. Consequently, their contribution to the roofscape of this part of

the CA would be diminished, as they would no longer be seen standing in such isolation.

11. The proposal would therefore be harmful to the appearance and character of the building. Consequently, there would also be harm to the character and appearance of the CA, as the building currently makes a positive contribution to its significance.
12. The harm that would arise would be localised, so the impact on the CA, as a whole, is less than substantial within the meaning of Paragraph 193 of the National Planning Policy Framework (the Framework). The Framework advises that 'less than substantial harm' should be considered in a balanced manner against benefits associated with the development. In this regard, I have been asked to consider the benefits that would arise through construction jobs, the increased number and range of homes, and the more effective use of land. However, these benefits already arise as a result of the planning permissions that have already been granted on the site. The creation of one additional dwelling would be modest in comparison.
13. Paragraphs 193 and 194 of the Framework advise that any harm to the CA requires clear and convincing justification, and great weight should be given to the conservation of designated heritage assets. The public benefits of the appeal scheme are limited and, consequently, would not outweigh the harm that I have identified to the character and appearance of the CA. I therefore conclude that the proposals would be contrary to Policies DE1 and SS10 of the Torbay Local Plan 2012-2030 (adopted 2015) (the Local Plan). These policies seek to ensure that development is well-designed, respects areas and buildings of historic interest, and sustains and enhances heritage assets.

Living conditions

14. No 5 The Dorchesters is a comparatively recent semi-detached house to the west of the appeal site. It is separated by a close-boarded boundary fence, which provides privacy at ground floor level. However, it does have first-floor windows in its side elevation close to the appeal site boundary. I saw that it was possible to see the rear garden and conservatory, over the fence, from the upper floors of the existing building. The proposals include a terrace at roof level, which would be in the region of 20 metres from the western boundary and would look towards 5 The Dorchesters, from a height above any of the existing windows in the building.
15. I was able to look out of windows at various levels in the existing building, and to walk around the scaffolding to obtain views that will be available from the three dwellings that are being built at the rear of the site. I was unable to see into the windows in the side elevation of 5 The Dorchesters from any of these viewpoints, some of which were considerably closer than the proposed terrace. I also saw that the conservatory roof prevented any views into the building. Parts of the rear garden could be seen, but the proposed terrace would not allow any additional views as, although higher, it would be further away than many of the existing and approved windows.
16. I therefore conclude that the development would not result in harm to the living conditions of the occupants of 5 The Dorchesters due to loss of privacy. The proposals would therefore accord with Policy DE3 of the Local Plan, which

seeks to ensure that development does not unduly impact upon the amenity of neighbouring and surrounding uses.

Conclusions

17. I have found that the proposals would not harm the living conditions of the occupants of 5 The Dorchesters. However, this does not outweigh the harm that I have found to the character and appearance of the host property and the CA.
18. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR