
Appeal Decision

Site visit made on 6 January 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Appeal Ref: APP/X1165/D/19/3238964

138 Marlton Road, Paignton, Devon TQ3 3NQ

- 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 Robert Le Marchant against the decision of Torbay Council.
 - The application Ref P/2019/0701, dated 21 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is described as 'Attach multi-layered foil insulation to the exterior of the South West face of the building and clad with Douglas Fir feather-edge boarding painted light grey. Lead drip sills above and below each window.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed at my site visit that the proposed cladding had been installed and I shall consider the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. The section of Marlton Road nearest to the appeal site comprises predominantly residential buildings exhibiting a variety of forms, which together with the topography and wider views, results in a pleasant residential sub-urban character. However, there are some historic remnants of the built environment which make a notable positive contribution to the quality of the street scene. This includes the group of vernacular terraced buildings within which the appeal property is situated. Moreover, their elevated position relative to the road gives them added prominence within the street scene.
5. Notwithstanding that some variation in the architectural detailing of this group of buildings has occurred over time, there is nevertheless coherence derived from their simple form, regular set back, stone walling adjacent to the road and homogenous use of materials. This includes the predominant use of render in the principal elevations. These factors, when taken in combination, result in a distinctive local character which adds to the quality of the character and appearance of the area.

6. Despite its painted finish, the proposed horizontal timber cladding has an undulating texture across the majority of the principal elevation that is markedly different from the smooth painted render evident on other properties within the terraced group. This diminishes the simple appearance of the elevation and adversely contrasts with the materials on the adjacent dwellings, thereby undermining the homogenous appearance of the group overall.
7. Furthermore, the visual impact is particularly prominent given that it involves the front and most public elevation of the building that has a generally open aspect and elevated position. As such, in this context, the cladding has a harmful impact on the character and appearance of the dwelling and its contribution as part of a terraced group within the street scene. It is contrary to the advice in paragraph 127 c) of the National Planning Policy Framework (the Framework) which states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
8. In support of the proposal the appellant points to other external and internal original features retained at the property. Be that as it may, this does not address, nor mitigate for the harm arising from the appeal proposal.
9. My attention has been drawn to examples of cladding used on other dwellings¹ within the vicinity of the appeal site. I observed that most of these related to dwellings that were of an entirely different form and age than the appeal building and furthermore, were in a different street, so would be unlikely to be seen in contiguous views with the development. These differences are such that most of the examples are not directly comparable with the circumstances of the appeal site, and consequently they are of little weight.
10. However, 100 Marlton Road is the closest example to the appeal site and concerns a rendered detached building of a comparable age to the appeal building. Based on the evidence provided, it is not shown whether consent was granted, or necessary for the cladding. Nevertheless, based on my observations I am not persuaded that it contributes positively to the street scene such that the cladding strengthens local identity as required by policy PNP1(c) of the Paignton Neighbourhood Plan, June 2019 (NP). It follows that it does not provide sufficient reason to allow a further development that detracts from the positive elements of local distinctiveness. In any event, I have determined the appeal proposal on its own merits.
11. I have taken into account the representations of support from local residents who consider that the cladding is not harmful to the character and appearance of the area. Nevertheless, I am required to make my own assessment of the merits of the scheme based on the entirety of the evidence before me, including my own observations.
12. Accordingly, I find that the proposal is harmful to the character and appearance of the area. Therefore, it is contrary to policy DE1 of the Torbay Local Plan 2012-2030, December 2015 which requires development to be well designed and respectful of Torbay's special qualities. In setting specific design considerations to make this assessment reference is made to visual appeal where local character should be acknowledged, and the architectural detailing should have a distinctive and sensitive palette of materials. Further reference is

¹ 100 Marlton Road, Nos 161, 156, 134 & 62 Maidenway Road, 66 Lammas Lane and 3 David Road.

made to the need to respect existing street frontages and built form in order to protect the quality of public space.

13. In addition, the proposal would conflict with policy PNP1(c) of the NP. Whilst this is not cited on the Council's decision notice, reference is made to the policy in the delegated report. This sets out design principles that amongst other matters, require development to strengthen local identity by being in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

Other matters

14. In support of the proposal the appellant highlights the weather-proofing and insulating properties of the timber cladding which has improved his enjoyment of the property by making it warmer and less damp. Furthermore, providing insulation will result in lower heating costs, which together with the careful choice of timber used for the cladding will, in his view, contribute towards meeting national targets for the reduction in carbon emissions as well as supporting the Council's Climate Change Strategy.
15. Whilst I am referred to national advice², as I am not provided with a copy, I am unable to fully consider how it applies to the scheme before me. Nevertheless, from the title of the document, it would appear to relate to the Building Regulations regime which has different considerations from the planning system and operates separately from it. It is therefore of limited weight.
16. However, I acknowledge that paragraph 148 of the Framework generally indicates that the planning system should support the transition to a low carbon future in a changing climate. Nevertheless, the benefits directly arising from the proposal are not quantified. In view of its modest scale, only a limited contribution would be made towards national targets. Furthermore, although the technical appraisal of insulation/cladding options submitted suggests that the only option for non-cavity walls is external insulation, given the limited evidence presented to substantiate this, I am not assured that this amounts to a rigorous assessment. Consequently, it does not clearly show that there are no alternatives that would have less harmful impacts to the character and appearance of the area that might also result in lower heating costs and have associated environmental benefits.
17. Therefore, overall these benefits attract limited weight. In applying the general objectives of the Framework to an individual proposal the environmental construction credentials of a development, although supported, would not override other considerations and is not of itself justification to permit development that would have a harmful impact on the wider character of the area.
18. I appreciate that my decision will be a disappointment to the appellant, and I have taken into account the representations in general support of the proposal. However, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise³. The reasons put forward do not justify my

² 2013 HM Government: Approved Document L1B: amended guidance for a) buildings of architectural or historic interest, and b) buildings of traditional construction with a permeable fabric, sections 3.6, 3.8, 3.9 & 3.12.

³ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

determining the development other than in accordance with the adopted development plan.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector