



Appeal Decisions

Site visit made on 16 March 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal A Ref: APP/X1165/W/19/3240870

127, Mount Pleasant Road, Brixham, Devon, TQ5 9RY.

- 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 Mrs Joanne Thorp against the decision of Torbay Council.
 - The application Ref. P/2019/0471, dated 2/4/19, was refused by notice dated 22/8/19.
 - The development proposed is the alteration of front boundary and creation of vehicular access with a single parking space.
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Appeal B Ref: APP/X1165/Y/19/3240869

127, Mount Pleasant Road, Brixham, Devon, TQ5 9RY.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Joanne Thorp against the decision of Torbay Council.
 - The application Ref. P/2019/0507/LB, dated 10/5/19, was refused by notice dated 22/8/19.
 - The works proposed are the partial demolition of front boundary wall and alterations to create a parking space within the front garden.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. 127 Mount Pleasant Road is a Grade II listed building¹ within the Brixham Town Conservation Area (BTCA).

Main Issue (Both Appeals)

3. The main issue is whether the proposals would preserve 127 Mount Pleasant Road, or its setting or its features of special architectural or historic interest and preserve or enhance the character or appearance of the BTCA.

Reasons

4. The most relevant development plan policies to the determination of these appeals are: policies SS10 (historic environment) and HE1 (listed buildings) of the Torbay Local Plan (LP) that was adopted in 2015 and; policy BE1 (heritage assets and their settings) of the Brixham Peninsula Neighbourhood Plan Policy Document 2012-2030 (NP), which was 'made' in 2019.
5. The BTCA is a sizeable area that includes the historic harbourside and the rows of houses that sit on the sides of the valley. The special architectural qualities of the area include the contribution made by the numerous listed buildings.

¹ Listed as part of 127-133 (odd numbers) Mount Pleasant Road.

- The special historic qualities include the layout of the streets and buildings, as well as the town's association with fishing, shipbuilding and quarrying.
6. The heritage interest (significance) of 127 Mount Pleasant Road is derived from its architectural and historic qualities. These include being an integral part of a terrace of early 19th century three storey houses with roughcast walls, slate roofs and chimneys, as well as the building's original fabric and as a record of the growth and development of the town during the 19th century.
 7. Over time, there have been some alterations to this listed terrace. This includes the removal of some garden walls to create off road parking spaces. However, this row retains much heritage interest. The front garden space to no. 127 appears to be a remnant of the original layout of this plot and the stone roadside wall is a historic boundary feature. The garden and roadside wall provide a pleasing setting to no. 127 and assist in affording an appreciation and understanding of the historic interest of this house.
 8. The proposal would entail the removal of much of the existing stone roadside wall and a large part of the front garden. These would be replaced by a pair of tall timber gates and a stone parking space. This would not be dissimilar to other properties in the row and would provide off-road parking for the occupiers of no. 127. However, it would considerably disrupt and erode the garden setting and historic boundary feature to this listed building and harm the significance (historic interest) of this designated heritage asset. This in turn would detract from the special qualities of the BTCA.
 9. In the context of the National Planning Policy Framework, the proposal would result in less than substantial harm to the significance of these designated heritage assets. If there is a sliding scale within this category of harm the proposal would be somewhere between the middle and lower end of any such scale. However, this does not amount to a less than substantial planning objection. Great weight must be given to an asset's conservation.
 10. In support, the appellant has argued that there would be a number of public benefits. It is claimed that these include maintaining a standard of investment and maintenance in this listed building, securing its optimum use, enhancing the wellbeing of residents (amenity and convenience) and the security of their possessions. I also understand that additional parking restrictions are proposed within this part of the town.
 11. There is much doubt in my mind as to whether any of the above would amount to a public benefit. In particular, no. 127 is already in residential use and there is no evidence to indicate that this would cease or become unviable. There is also nothing of substance to demonstrate that maintenance or investment in the property would be at greater risk if the proposals were not approved. Whilst I appreciate that it would be more convenient for residents to have off road parking, this would not be a public benefit. Even if these do amount to a public benefit they would not outweigh the harm that I have identified.
 12. The proposals would fail to preserve the setting of 127 Mount Pleasant Road and would not preserve or enhance the character or appearance of the BTCA. There would be conflict with LP policies SS10 and HE1, as well as NP policy BE1. I therefore conclude that neither appeal should succeed.

Neil Pope

Inspector