
Appeal Decision

Site visit made on 22 June 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 July 2020

Appeal Ref: APP/X1165/D/20/3247523

48 Brantwood Drive, Goodrington With Roselands, Paignton TQ4 5HY

- 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 & Mrs B Osborn against the decision of Torbay Council.
 - The application Ref P/2019/1087, dated 11 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is alteration to existing ground floor conservatory, with first floor extension over.
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Decision

1. The appeal is allowed and planning permission is granted for alteration to existing ground floor conservatory, with first floor extension over at 48 Brantwood Drive, Goodrington With Roselands, Paignton TQ4 5HY in accordance with the terms of the application, Ref P/2019/1087, dated 11 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3096-SL, 3096-SP-2, IN-3096, Preliminary Ecological Assessment dated 22 December 2017, Flood Risk Assessment dated 5 October 2019, 3096-P-3 A, 3096-P-1 A and 3096-P-30.b.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 3096-P-30.b.

Main Issue

2. The effect of the proposal on the character and appearance of the host property and the area.

Reasons

3. The appeal site is located in a residential area, characterised by modern detached bungalows and houses set back from the road behind generous front gardens. The appeal property stands at a higher level than the road owing to the slope of the site. A road to the side of the property gives access to a parking court at the rear, and provides a wide gap between the side of the property and its neighbour to the west.

4. The proposal would extend the property to the west. It would not result in excessive built form as a large gap between the appeal property and its neighbour would be retained. The ridge of the proposed extension would only be marginally lower than the ridge of the existing dwelling. However, coupled with the set back to the front elevation, this would be sufficient to identify the extension as an addition to the original building to the extent that it would not be overly dominant. Furthermore, the extension would be similar in proportion and scale to the existing rendered extension at the other end of the property.
5. Therefore, the proposal would not harm the character or appearance of the host property or the area, and as such would accord with Policies DE1 and DE5 of the Torbay Local Plan 2012 – 2030 adopted 2015 and Policy PNP1(c) of the Paignton Neighbourhood Plan made 2019, which together seek to ensure that development proposals are well designed, in keeping with their surroundings and do not harm existing character or appearance.

Conditions

6. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have imposed an approved plans condition as this provides certainty and a materials condition to safeguard the character of the existing dwelling and the area. In respect of the materials condition, the Council suggested a condition specifying that the materials of the extension should match those used on the existing dwelling. The original dwelling is brick, whereas the extension is to be constructed with a rendered finish. Therefore, a condition to ensure that the extension shall be constructed in accordance with materials shown on the approved plan is more appropriate.
7. In its officer report the Council suggests a condition should be used to ensure that the partially completed boundary wall is rendered within 8 weeks of a grant of planning permission, in the interests of visual amenity. Whilst I agree that the partially completed state of the existing side boundary wall does cause some visual harm, I am not satisfied that such a condition meets the relevant tests as the condition would not be necessary to avoid a refusal of planning permission.
8. I am not satisfied that it is necessary to impose a condition to secure recommendations made in the submitted preliminary ecological assessment, as referred to in the Council's officer report. No evidence of bats or bat roosts were found and the recommendations made do not appear to be necessary to make the proposal acceptable in planning terms.

Conclusion

9. For the reasons above, the appeal should be allowed.

Andrew Tucker

INSPECTOR