



Appeal Decision

Site visit made on 8 July 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/X1165/D/20/3244861
205 Dartmouth Road, Paignton TQ4 6LG

- 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 Alan & Kimberly Taffinder against the decision of Torbay Council.
 - The application Ref P/2019/0726, dated 5 July 2019, was refused by notice dated 4 December 2019.
 - The development proposed is the re-work existing layout, construct new roof with dormers, creation of parking area and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for the re-work existing layout, construct new roof with dormers, creation of parking area and associated external works at 205 Dartmouth Road, Paignton TQ4 6LG, in accordance with the terms of the application, Ref: P/2019/0726, dated 5 July 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area and the host building; and,
 - The effect of the proposed development on the living conditions of the occupiers of 207 Dartmouth Road, with particular reference to outlook and loss of privacy.

Reasons

Character and Appearance

3. The appeal site is a substantial two storey split level detached property which is located and accessed from the adjacent Dartmouth Road. To the rear of the appeal property the land slopes away steeply from west to east, with properties which are located within Broadsands Bend bordering the appeal site on its northern and eastern boundaries. Due to the steeply sloping nature of the site and its surroundings, the appeal dwelling is in an elevated position above the dwellings which are located within Broadsands Bend. By reason of its elevated position on a hillside, the appeal dwelling is situated in a prominent location within this residential area.

4. The proposal seeks to insert dormers into the existing front and rear roof slopes. While the plans indicate that the dormers would extend to almost the full width and height of the roof, they would be set in from the sides and would not exceed the overall ridge height of the roof. In my view the proposed dormers would be seen as subservient additions to the host dwelling which, by reason of the split level arrangement and scale of the host dwelling, would not result in an unbalanced appearance.
5. Whilst I acknowledge the Council Officers submissions and those of interested parties, I observed on my site visit that dormers of the size, scale and appearance of the appeal scheme were not uncommon within the surrounding residential area. Examples of such dormers were present close to the appeal site within Dartmouth Road, Broadsands Bend, Broadsands Avenue and Broadsands Park Road. The addition of the proposed dormers would therefore accord with the established character and appearance of the surrounding residential area.
6. I therefore conclude that, given that the dormer additions would remain subservient to the host dwelling and that the proposal would reflect and replicate those nearby residential developments that include such dormer additions, the appeal scheme would not be harmful to either the character and appearance of the surrounding area nor be harmful to the character or appearance of the host dwelling.
7. For the above reasons, the appeal scheme would accord with Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (the Local Plan) which, amongst other things, seek to ensure that new development is well designed when considered against a number of specific design considerations and that extensions and alterations are sympathetic to the host building and reflect the character and appearance of the surrounding area. Furthermore, and for the same reasons, the proposal would comply with Policies BH5 and BH6 of the Brixham Peninsula Neighbourhood Plan 2012-2030 which seek to ensure development integrates with local character and that dormer extensions are modestly sized and subservient to the host dwelling.

Living Conditions

8. The appeal scheme proposes the construction of a car parking platform which would be accessed from the same point on Dartmouth Road as the existing driveway at the appeal property, and a terrace which would be located at a lower level to the east of the proposed parking platform.
9. The Council have put it to me that the proposed parking platform and the lower terrace would have an overbearing impact on the residents of the neighbouring dwelling at 207 Dartmouth Road and would introduce an unacceptable level of overlooking into that neighbouring property.
10. The proposed terrace and parking platform would be positioned set in from the boundary by approximately 2.5 metres. Whilst the platform and terrace would be at a higher level than the level of the amenity space of 207 Dartmouth Road closest to the proposed platform and terrace, it would nonetheless be situated back from the boundary and would, in my view provide sufficient separation distance between the proposal and the neighbouring dwelling, that acceptable levels of outlook would be retained in relation to the external amenity area and the dwelling at 207 Dartmouth Road.

11. In respect of overlooking and loss of privacy, the proposed parking platform would not significantly alter the position with regards to potential overlooking than that currently experienced from the existing driveway. Furthermore, the southern elevation of the proposed terrace would incorporate an obscured glazed screen which, in combination with the proposed landscaping and separation distance to the neighbouring dwelling and external amenity area, would not result in unacceptable levels of overlooking. I shall return to the matter of a landscaping condition in the relevant section of this decision below.
12. For the above reasons I conclude that the proposal would not have an unacceptable impact on the living conditions of occupants of 207 of Dartmouth Road with regards to loss of outlook or loss of privacy. I therefore consider that the development would accord with Policy DE3 of the Local Plan given there would be no undue impact on the living conditions of the neighbouring occupiers given the absence of any harmful effects concerning privacy or outlook.

Other Matters

13. Interested parties have put it to me that the proposed development would enable the subdivision of the dwelling at the appeal site. In this regard, the appeal scheme proposes alterations and additions to the existing property but do not propose a change of use or subdivision of the dwelling. Consequently, in approving the appeal scheme it cannot be said that permission is being granted for other forms of development. The proposed scheme has been assessed, and the appeal determined, on the planning merits of the proposed development.
14. Further to the above, whilst I acknowledge the concerns of interested parties with regards to loss of light resulting from the appeal proposal, in my view there would be no significant loss of light by reason of the separation distances between the appeal property and nearby residences and their relative orientation.

Conditions

15. In light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance, I have considered whether planning conditions are required in relation to this proposed development.
16. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. Furthermore, in the interests of safeguarding the character and appearance of the surrounding area I find it reasonable to include a condition in respect of external materials.
17. Additionally, and for the reasons detailed in the decision above, I find it necessary and reasonable to include a condition which requires details of the proposed scheme of landscaping be approved by the Council prior to commencement of development.
18. The wording of the pre-commencement condition has been agreed by the Appellants and is necessary as pre-commencement conditions due to the nature and scope of this condition.

Conclusion

19. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: AKB 10, AKB 11 (Version (Roof & 1st Floor)), AKB 12 (Version (Ground & Lwr Ground)), AKB 13, AKB 14 (Version A (Roof & 1st floor)), AKB 15 (Version A (Ground & Lwr ground)), AKB 16 (Version A), AKB 17 (Version (Inc existing)), P2019-0726-1, P2019-0726-2 and P2019-0726-3 received by the Local Planning Authority on 9 July 2019 and drawing numbers: AKB 14a (Version A), AKB 16a (Version A), AKB 15 (Version A (Revised)) and AKB 17 (Version (Revised)) received by the Local Planning Authority 31 October 2019.
- 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.