



Appeal Decision

Site visit made on 15 September 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/X1165/D/20/3257808

16 Dolphin Court Road, Paignton, TQ3 1AQ

- 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 Michael Cotterill against the decision of Torbay Council.
 - The application Ref P/2020/0336, dated 31 March 2020, was refused by notice dated 20 July 2020.
 - The development proposed is loft conversion to include dormer extension.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion to include dormer extension at 16 Dolphin Court Road, Paignton, TQ3 1AQ, in accordance with the terms of the application, Ref P/2020/0336, dated 31 March 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

3. The detached appeal property is a split level dwelling within a residential estate of largely similar dwellings. Its main habitable rooms are on a single level and the garage is on the lower ground floor. It therefore has the appearance of an elevated bungalow, constructed from materials consistent with those found in the surrounding area, including brick, cement slates and pebbledash render, similar to some neighbouring properties.
4. The appeal proposal would involve the conversion of the loft and introduce a dormer roof extension to one side of the roof plane. The dormer would have a flat roof of a ridge height consistent with that of the main dwelling. It would also extend from the front to the back, with minimal inset in from the sides. The front wall of the dormer would contain a high proportion of glazing.
5. The dormer window would be large relative to the size of host dwelling. It would be the top-heavy feature to which the eye would be drawn in views from the road and would therefore form a dominant enlargement. Whilst its visual appeal is a subjective matter, in my view, its box-like design would be functional but lacking a degree of finesse that could otherwise be achieved with a smaller or pitched roof dormer.
6. In terms of its consistency with the character of the area, there are numerous other instances of similar properties, and other styles of dwellings in the

vicinity of the appeal site, having flat roof dormers, many of which extend the majority of the roof plane. Whilst they are not a predominant characteristic of the area, they appear regularly and are understandable in such a suburban context where the topography has constrained the forms of buildings and their subsequent extensions. In this context, the proposal would not be entirely incongruous within the street scene or wider area.

7. In view of this main issue, on balance, the proposal would result in a degree of harm to the character and appearance of the host dwelling and the street scene. The proposal would therefore be contrary to Policies DE1 and DE5 of the Torbay Local Plan 2012 – 2030 (adopted 2015) which seek to ensure that new development is well designed and in respect of extensions, would not dominate or have any other adverse effects on the character and appearance of the original property or on the street scene. It would also fail to accord with Policy PNP1 of the Paignton Neighbourhood Plan (adopted 2019) which seeks to ensure that new development is in keeping with its surroundings.

Other Matters

8. The appellant has raised that were the proposal to include obscure glazed and non-opening windows, where relevant, it would constitute permitted development under the Town and Country Planning (General Permitted Development) Order, 2015, as amended. The proposal includes transparent glazing, although the Council has indicated that there would not be any harm to the living conditions of neighbouring occupiers from the proposal and I have no reason to reach an alternative conclusion in this regard.
9. On the evidence before me and having sought comments from the parties in respect of this matter, it would appear that the permitted development fallback option that exists is for ostensibly the same roof extension, albeit with obscured glazing, which does not appear necessary given the relationship of the site to its adjoining neighbours. In the context of the fallback option being one I consider would be likely to be implemented otherwise, this is a material consideration of significant weight.

Conclusion

10. In respect of the harm to the character and appearance, the proposal conflicts with the development plan, read as a whole. However, there are considerations in this instance that dictate that the decision should be made other than in accordance therewith.
11. For the above reasons, the appeal is allowed.

Conditions

12. In addition to the statutory time limit, a condition is necessary to specify the approved plans in the interests of certainty.
13. In the interests of character and appearance, it is necessary to condition that the external materials shall match those used in the existing dwelling, except for where it is intended that painted render would replace pebbledash.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, Ref SBB 10, dated March 2020
 - Proposed Plans and Elevations, Ref MCP 12a, dated March 2020
- 3) With the exception of the areas of external wall that would be painted render as shown on approved plan Ref MCP 12a, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.