The Planning Inspectorate

Appeal Decision

Site visit made on 6 October 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/X1165/D/20/3256855
49 Hill Park Road, Brixham, TQ5 9EU

- 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 Alan Cash against the decision of Torbay Council.
- The application Ref P/2020/0296, dated 19 March 2020, was refused by notice dated 7 July 2020.
- The development proposed is two storey side extension and associated other works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;

   i) the effect of the development on the character and appearance of the area and,

   ii) the effect on the living conditions of neighbouring occupiers with particular reference to outlook and light.

Reasons

i) Character and appearance

3. The appeal site forms part of a twentieth century residential estate mainly comprising terraces separated by gardens or other green spaces. The property is a two storey end of terrace house which prominently faces the main part of Hill Park Road. To the east is another terrace whereby the rear elevations either face the flank of the appeal site or a public amenity space in front of the site.

4. The open gap at the first floor level between the flank of the appeal property and the neighbouring terrace makes an important contribution to the spaciousness of the locality. Furthermore, each house has a narrow single storey flat roof front projection. The consistency and repetitive nature of the projections is an important characteristic feature of the terraces.

5. In the proposed scheme, the extension at the first floor level would only be 1.5m wide, thereby leaving around a 2m gap to the side boundary. Nevertheless, the additional bulk of the first floor and the extended hipped roof

would erode the important gap between the two terraces and cause significant harm to the spaciousness of the locality.

6. At the ground floor level, the flat roof extension would be to the side of the main part of the house but also the narrow front projection. The increased bulk and width of the front projection would disrupt the consistency and repetitive nature of the projections within the wider terrace and in doing so cause significant harm to its character.

7. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would conflict with Policies DE1 and DE5 of the 2015 Torbay Local Plan (LP) which, amongst other things, seeks to ensure development respects the character of the surrounding built environment, in terms of scale and massing, and the street scene. It would also conflict with Policy BH5 of the 2019 Brixham Peninsula Neighbourhood Plan which expects all new development to respect the character and appearance of the surrounding area.

ii) Living conditions

8. The rear of 53 and 54 Hill Park Road in the neighbouring terrace directly face the side of the existing dwelling at the appeal site. They have fairly shallow rear gardens and thereafter are only separated from the flank of the appeal property by a narrow pathway and a gap within the appeal site of around 3.5m. As a consequence, they are sensitive to any side extension to the appeal property.

9. The ground floor element of the proposed extension would not be harmful to the living conditions of the neighbouring occupiers due to a combination of its low flat roof form and set back. While the first floor element would be set further back, given the identified sensitivity to side extensions, it is considered the additional high level bulk would appear overbearing and oppressive in the outlook from the two neighbouring properties. Little weight may be given to the screening provided by any intervening vegetation because it lacks permanence and would not prevent views of the development from the first floor windows.

10. With regard to light, although there would be some additional overshadowing derived from the proposal, this would not be to a degree that would warrant resisting the scheme for this reason.

11. Nonetheless, it is concluded the proposed development would have an unacceptably harmful effect on the living conditions of neighbouring occupiers with particular reference to outlook. It would conflict with Policy DE3 of the LP which seeks to ensure development provides a good level of amenity for occupiers and does not unduly impact upon the amenity of neighbouring uses.

Other Considerations

12. The appellant has drawn attention to a larger permitted two storey side extension at No 55 in the neighbouring terrace where the bulk of the distinctive ground floor front projection has also been significantly increased. However, it is distinguishable from the appeal proposal, in terms of the character and appearance of the area, as No 55 is sited at the end of a cul-de-sac spur off the main part of Hill Park Road. The development does not therefore have the same visual prominence within the estate. Furthermore, it has not reduced a

gap between two of the terraces which is important to the spaciousness of the locality.

13. In terms of outlook, while the development at No 55 may be observed from the appellant's rear garden area, it has not come any closer to the common boundary than the main part of the house. The extension has instead reduced the gap between the flank of No 55 and the rear elevations of properties on the north side of Gillard Road. As those properties have considerably deeper rear gardens than the terraces on the estate, their outlook has not been unacceptably harmed. The front alterations to the terrace which includes No 60 appear to comprise the addition of canopies which are not comparable to the proposed development. The appeal scheme has been duly considered on its own merits and having regard to its specific circumstances.

Conclusion

14. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

PLANNING DECISION OFFICER