
Appeal Decision

Site visit made on 14 December 2020

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

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/X1165/D/20/3259514

8 Sandringham Gardens, Preston, Paignton TQ3 1JA

- 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 Dempsey against the decision of Torbay Council.
 - The application Ref: P/2020/0332, dated 30 March 2020, was refused by notice dated 20 July 2020.
 - The development proposed is the hip to gable roof conversion including dormer to front, internal alterations, re-rendering of exterior and new windows.
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Decision

1. The appeal is allowed and planning permission is granted for the hip to gable roof conversion including dormer to front, internal alterations, re-rendering of exterior and new windows at 8 Sandringham Gardens, Preston, Paignton, TQ3 1JA, in accordance with the terms of the application Ref: P/2020/0332, dated 30 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby approved shall in all respects accord strictly with drawing numbers: 001 Site Location Plan, 002 Block Plan, 007 Proposed Site Plan, 008 Proposed Ground Floor and First Floor Plans, 009 Proposed Second Floor Plan, 010 Proposed Elevations 1 and 011 Proposed Elevations 2 received by the Local Planning Authority on 31 March 2020 and drawing number: 014 Proposed Roof Plan received by the Local Planning Authority on 17 April 2020.

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 nearby residents, with particular reference to loss of privacy.

Reasons

Character and Appearance

3. Policies DE1 and DE5 of the Torbay Local Plan (the Local Plan), amongst other matters, seek to ensure that developments are well-designed and that domestic extensions do not have adverse effects on: the character or appearance of the original property, any neighbouring properties, or on the street scene in general. Policy PNP 1(c) of the Paignton Neighbourhood Plan, provides that proposals should seek to strengthen local identity by, amongst other things, being in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.
4. The appeal building is a substantial detached dwelling set within a generous plot, with the appeal site holding a prominent and elevated position above the adjacent highway and associated footpath. Dwellings within the surrounding residential area exhibit a variety of designs and styles, with a number of dwellings within Sandringham Gardens appearing to have been altered or extended. Furthermore, the scale and size of dwellings within this area can also be properly described as varied with substantially sized two storey detached dwellings being located amongst more modestly sized bungalows.
5. The appeal scheme proposes a hip to gable roof conversion with a dormer extension on the southeast facing elevation. The dormer would partially wrap around to the front of the appeal building and would provide access to a modestly sized balcony. It was noted on my visit that there were other examples of balconies within this residential area and a significant number of dwellings close to the appeal site incorporated dormer extensions. In these respects, the appeal scheme would reflect local distinctiveness.
6. The dormer extension and balcony would be well proportioned in terms of the overall scale of the building and would appear as subservient additions. Whilst there would be some additional massing at roof level, the scale and size of the proposed dwelling would not appear unbalanced or would appear overly dominant in the street scene. The proposed dormer would be positioned to reflect the angles of the appeal building, with the dwelling retaining its original character in terms of scale and in terms of its symmetry.
7. In my view, the proposed scale and positioning of the appeal scheme would not result in a visually discordant or incongruous feature within the street scene. For these reasons, the proposed changes to the massing at roof level and the incorporation of the proposed dormer and balcony would not be harmful to the character and appearance of the surrounding area nor would be harmful to the character and appearance of the appeal building.
8. The exterior of the appeal building would be re-rendered in an off-white colour, with the existing windows being replaced. Windows on the southeast elevation would be re-orientated from facing the neighbouring dwelling to facing the open views towards the sea. Both the re-orientated bay on the southeast elevation and the dormer extension would be clad in standing seam zinc and, whilst not being a design feature that is replicated on other nearby dwellings within Sandringham Gardens, would be modest design features which would not diminish local distinctiveness or be harmful to the character and appearance of the host building.

9. For the above reasons, I conclude that the proposed design, scale and use of materials would not be harmful to the character and appearance of the surrounding area or to the character and appearance of the host building. The appeal scheme would not result in an overly dominant form of development and would not be harmful to the street scene. Consequently, the appeal proposal would comply with Policies DE1 and DE5 of the Local Plan and would accord with the requirements of Policy PNP 1(c) of the Paignton Neighbourhood Plan.

Living Conditions

10. It has been put to me by the Council that the addition of the dormer and balcony, and the incorporation of an additional window in the southeast elevation gable end would result in an unacceptable loss of privacy from overlooking for residents of the neighbouring dwelling at 6 Sandringham Gardens.
11. The appeal building and its neighbour at 6 Sandringham Gardens are located in close proximity to each other, with the appeal dwelling being located on higher ground than its neighbour.
12. From observations made on my site visit and from the evidence before me, the proposed dormer, balcony and gable end window would allow a similar level of overlooking to that which currently exists from the windows on the appeal building and from the decking area to the front of the appeal building, given its elevated position and close proximity to its neighbour. The proposed alterations to the roof form to create the balcony would create an elevated external amenity area where currently there is none. The proposed balcony would be relatively narrow and shallow in depth which would limit its use. Orientated directly facing the southeast, the view would include the public realm, wider landscape and coastal views.
13. Some angled views from the proposed balcony would be possible towards the front garden of 6 Sandringham Gardens. However, due to the current levels of intervisibility, I do not consider that the proposed alterations and additions to the appeal building would have a materially greater effect on the privacy of the occupiers of the neighbouring property than that which currently exists. Consequently, whilst I acknowledge that balconies can result in overlooking and a loss of privacy, I consider that in this instance, the appeal proposal would not result in a significantly greater degree of overlooking than currently exists, both in terms of the proposed dormer and balcony and in terms of the new additional window on the southeast facing gable end.
14. For the above reasons, the proposed development would not materially harm the living conditions of the occupiers of the neighbouring dwelling at 6 Sandringham Gardens, having regard to overlooking and loss of privacy. The appeal scheme therefore complies with Policy DE3 of the Local Plan which aims to protect neighbour amenity.

Conditions

15. I have had regard to the planning conditions suggested by the Council. Other than the standard time limit condition, it is also necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. As sufficient information on materials appears on the

aforementioned plans the materials condition suggested by the Council in this respect is not necessary.

Conclusions

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

A Spencer-Peet

INSPECTOR