



Appeal Decision

Site Visit made on 14 December 2020

by Mr 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/20/3259874

22 James Avenue, Blatchcombe, Paignton TQ3 3LZ

- 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 Scott Bond against the decision of Torbay Council.
 - The application Ref P/2020/0468, dated 19 May 2020, was refused by notice dated 2 September 2020.
 - The development proposed is for alterations to roof, add rear dormer and loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to roof, add rear dormer and loft conversion at 22 James Avenue, Blatchcombe, Paignton TQ3 3LZ, in accordance with the terms of the application Ref P/2020/0468, dated 19 May 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: Site Location P2020-0468-1, Proposed Internal 2031-04, Proposed Elevations 2031-05 and Proposed Elevations 2031-06 received by the Local Planning Authority on 20 May 2020.
 - 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.

Main Issue

1. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and,
 - The effect of the proposed development on the living conditions of nearby residents, with particular reference to loss of light and outlook.

Reasons

Character and Appearance

2. The appeal building comprises a detached dwelling located within a residential area. Dwellings within this residential area exhibit a variety of designs and styles.

3. The appeal scheme proposes the addition of a dormer extension and alterations to the roof in terms of height. The dormer extension would be positioned on the rear of the dwelling and, from the evidence before me, would appear as a subservient addition and which, given the other examples of such extensions within the surrounding residential area, would respect local character.
4. In order to incorporate the rear dormer into the appeal building, the height of the roof would be increased by approximately 0.9m. Whilst the increase in height of the roof is noted, the design of the appeal scheme maintains the consistent pitch of the existing roof and, in my view, would not be visually discordant in the street scene. The increase in height would not be significant in terms of the overall height of the building and would be unlikely to be perceptible to those visiting or residing in the surrounding area. Furthermore, the additional height would not unbalance the host building and, therefore, there would be no harm to the character or appearance of the appeal building. Consequently, I find that the resulting building would not appear as an overly dominant feature within the street scene and would not result in any harm to the character and appearance of the area.
5. For the reasons given above, the appeal proposal would accord with Policies DE1 and DE5 of the Torbay Local Plan (the Local Plan), which 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. Furthermore, the appeal proposal would comply with Policy PNP 1(c) of the Paignton Neighbourhood Plan, which requires, amongst other things, that new development is in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials. For the same reasons, I also find no conflict with the design objectives of Section 12 of the National Planning Policy Framework (the Framework).

Living Conditions

6. It is maintained by the Council that whilst the addition of the rear dormer would not give rise to any harmful impact on the living conditions of nearby residents with regards to loss of light or overbearing impact, the increase in roof height would result in an unacceptable impact.
7. In these regards, the roof height would be increased in order to incorporate the proposed rear dormer and the bulk and mass of the dormer would project from the rear of the building. The appeal building is set forward of its neighbours and given that the proposed extension would not project back beyond the rear elevation, I am satisfied that the appeal proposal, as a whole, would not have any significant effect on the living conditions of neighbours with regards to loss of light or outlook.
8. In conclusion on this issue I find that there would be no harm to the living conditions of the occupants of neighbouring dwellings by reason of a loss of outlook or by reason of loss of light. Therefore, the proposal would accord with those terms of Local Plan Policy DE3 of the Local Plan which, amongst other matters, seeks to protect the occupants of nearby properties from harm to their amenity.

Conditions

9. 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. In order to protect the character and appearance of the surrounding area and the host dwelling, I am attaching a condition requiring materials used in the construction of the external surfaces of the development to match those used in the existing building.

Conclusions

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

A Spencer-Peet
INSPECTOR