



Appeal Decision

Site visit made on 17 November 2020 by Christian Ford BA (Hons) BTP MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/X1165/W/20/3257136

Branksome, Torbay Road, Torquay, TQ2 6RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Andrew Hulbert against the decision of Torbay Council.
 - The application Ref P/2020/0482, dated 23 May 2020, was refused by notice dated 3 August 2020.
 - The application sought planning permission for 'Formation of new three bedroom dwelling' without complying with a condition attached to planning permission Ref: P/2018/0743 dated 29 November 2018.
 - The condition in dispute is P1 which specifies:
'The development hereby permitted shall be carried out in complete accordance with the approved plans listed below:
00309122-2FF2A0 - Date on plan: 28/03/2018 - OS Map/Site Location received 16.07.2018
P20180743 - 1 - Date on plan: 14/07/2018 - Flood Risk Assessment received 16.07.2018
DRS-EL100 - (Version - 3) - Date on plan: 01/10/2018 - Proposed Elevations received 21.11.2018
DRS-SP100 - (Version - 3) - Date on plan: 01/10/2018 - Proposed Layout received 05.11.2018
DRS-TP100 - (Version - 3 (updated roof plan)) - Date on plan: 28/10/2018 - Proposed Layout received 28.11.2018
4M-TURNTABLE - (Version - A-(Turntable)) - Date on plan: 18/04/2013 - Proposed Elevations received
DR5-FP100 - (Version - 2) - Date on plan: 01/10/2018 - Proposed Internal received 16.11.2018'
 - The reason given for the condition is 'For the avoidance of doubt and to ensure a satisfactory completion of development'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a Planning Decision Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.
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Reasons

4. Although the appeal site has a wide frontage to Torbay Road, it is very shallow and gradually reduces in depth towards the south west, reflecting the narrowing of the gap between the road and the Riviera Line railway which runs to the rear of the site. To the north east there is a row of three residential properties which all have a hipped roof form. As a consequence, this particular roof form is a distinctive and important part of the character of the immediate locality.
5. The permitted scheme (Ref P/2018/0743) is for the erection of a bungalow with a hipped roof form and two front dormers. The appellant seeks alterations to the permitted dwelling. This would include increasing the ridge height by 0.5m, changing to a gable roof form, (with the inclusion of a balcony within the south west gable end) and amendments to the fenestration. The Council's concerns specifically relate to the change from a hipped to a gable roof form as they advise the other alterations have been approved in another application (Ref P/2019/0638). There is no reason to take a different view from the Council on those other alterations.
6. As previously noted, the site is very shallow and the permitted dwelling would only be set back by a small degree from the front and rear boundaries. The proposed change to a gable roof form would prominently add to the dwelling's bulk, such that it would sit uncomfortably within and appear disproportionate to its constrained plot. It would also result in the dwelling appearing incongruous at the end of a row of properties which have a distinctive hipped roof form.
7. As noted by the appellant, there is a variety of roof forms further to the north east along Torbay Road, particularly where new innovative developments have recently been erected. There is also some variation in the properties located on the opposite side of the road. However, the appeal site does not have a close visual relationship with the former due to the separation brought about by the three aforementioned properties, nor the latter due to the separation of Torbay Road and the set back of those opposing properties. Although the appellant's expressed modern design aspirations are acknowledged, the proposed design and bulk of the roof would render it unacceptably prominent and incongruous.
8. The appellant notes the permitted roof design also severely inhibits the upstairs layout and amenity. While the change to a gable roof form would provide some additional living space, this alone would be fairly limited. The raised ridge height would increase the headroom and thereby the amenity of the upstairs living accommodation to a greater extent, but this has already been approved so is not a specific benefit of the current scheme. Notwithstanding the acknowledged benefits, including the addition of a balcony with views of the Riviera Line, they do not outweigh the significant harm to the character of the area identified above.
9. It is therefore concluded the proposed alterations to the permitted dwelling would be unacceptably harmful to the character and appearance of the area. They would conflict with Policy DE1 of the 2015 Torbay Local Plan and Policy TH8 of the 2019 Torquay Neighbourhood Plan which, amongst other things, require development to be well designed, to respect local character in terms of scale and massing and to integrate with the existing street scene.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Planning Decision Officer's report, and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR