



Appeal Decision

Site visit made on 14 December 2020

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/X1165/W/20/3259674

The Lawn, St Andrews Road, Paignton, Devon TQ4 6HA

- 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 and Mrs Christopher Harrison against the decision of Torbay Council.
 - The application Ref P/2020/0150, dated 6 February 2020, was refused by notice dated 27 August 2020.
 - The development proposed is the demolition of existing single storey rear extension. Construction of new two storey rear extension and dormer to west elevation. External alterations including PVCu windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 30 St Andrews Road with respect to outlook and privacy.

Reasons

3. The appeal property is a large meandering building that has been extended over time and is divided into flats. It lies within the Roundham and Paignton Conservation Area. The proposed development includes the demolition of an existing single storey extension on the north elevation and its replacement with a two storey extension.
4. The neighbouring property, 30 St Andrews Road, lies in close proximity to the north-east of the appeal property. No 30 is a relatively small building and has effectively two outdoor amenity areas. There is a garden area lying to the east of the proposed extension and a small slabbed patio area located to the rear of No 30. This latter area is bounded on two sides by No 30 itself and at present has a timber fence on the other two sides. The north elevation of the appeal property, including the existing single storey extension, can be clearly seen from the patio area.
5. The proposed development would bring the two storey element of the appeal building considerably closer to the patio area than it is at present. The patio area already has the walls of No 30 on two sides and the elevations of a neighbouring property are also visible to the west. To my mind the addition of

the proposed two storey elevation at such close proximity would be oppressive for users of the patio, leaving them feeling hemmed in with a much reduced outlook.

6. There would also be a window serving a bedroom on the first floor of the proposed extension. Whilst views from this window of the patio area would be at a somewhat oblique angle, they would nonetheless be available, and the users of the patio would be aware of this. This would prejudice the privacy of those using the patio, who at present have a relatively private area to enjoy.
7. Conflict would therefore exist with policy DE3 of the Torbay Local Plan 2012-2030. This requires that all development should not unduly impact upon the amenity of neighbouring uses.
8. In arriving at this conclusion I am aware that the design of the extension has been amended following a previous appeal. However, my remit is to consider the proposal as it stands, and the fact that changes have been made from a previous proposal does not always necessarily render the amended scheme satisfactory.
9. I have also been made aware of various schemes permitted by the Council in the area. I have not been supplied with the full details of these, but from the information that I have been given it would seem that none share the same characteristics as that before me, in terms of small private areas belonging to small dwellings being compromised by having two storey elevations proposed in very close proximity. In any event, each case has to be judged on its own merits. The fact that the occupiers of No 30 have not objected carries very little weight.
10. I note that the appellant considers the retention of flat 6 necessary for the viability of the whole scheme and that some planning gain may be achieved by the removal of the flat roof and ground floor conservatory. I also note that the proposed scheme would modernise the property and improve the living conditions of residents. This does not however justify the harm that I have identified. Overall, the factors in favour of the proposed development do not outweigh the potential harm to the living conditions of the occupiers of No 30.

Conclusion

11. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR