



Appeal Decision

Site visit made on 9 February 2021 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: 4 March 2021

Appeal Ref: APP/X1165/W/20/3263179

15 Lammas Lane, Paignton, TQ3 1PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Grant Willicott against the decision of Torbay Council.
 - The application Ref P/2020/0249, dated 9 March 2020, was approved on 18 August 2020 and planning permission was granted subject to conditions.
 - The development permitted is 'Extension to front and rear elevations. Dormer extension to front and rear. Raised terrace to rear'.
 - The condition in dispute is No 03. which states that:
'Notwithstanding the approved plans which detail a weatherboard ("cedral or similar cladding"), the material finish of the dormers hereby approved shall be clad in materials matching those of the host dwelling, and shall be retained as such for the life of the development'.
 - The reason given for the condition is:
'In the interest of visual character and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030'.
-

Decision

1. The appeal is allowed and the planning permission Ref P/2020/0249 for 'Extension to front and rear elevations. Dormer extension to front and rear. Raised terrace to rear' at 15 Lammas Lane, Paignton, TQ3 1PS granted on 18 August 2020 by Torbay Council, is varied by deleting condition No 03. and substituting for it the following condition:

'Notwithstanding the approved plans which specify cedral or similar cladding, the front dormer hereby approved shall be finished in render or hanging tiles to match the front of the host dwelling and shall be retained in that form thereafter'.

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.

Reasons

4. The appeal property is a bungalow located within a residential area. The existing dwelling has a fairly simple design with a subservient gable ended
-

- front projection on one side. The permitted scheme would change the front elevation to a twin gable form. There would also be a flat roof front dormer with pitched sides linked to the top of the two gables. At the rear there would be a wide flat roof dormer and a single storey extension.
5. It is apparent the approved changes to the front elevation generally seek to replicate the existing form of 11 and 13 Lammas Lane. The face of the front dormer at each of those two properties is rendered. Indeed, looking up or down the southern side of this part of the street, apart from limited views of the flanks of rear dormers, render is the characteristic external facing material. As a consequence, the appellant's desire for the front dormer to have horizontal cedar cladding or similar would appear incongruous within the street scene.
 6. Furthermore, rather than lifting the visual presentation of the bungalow, the cladding, particularly if it were to be colourful as proposed, would unduly emphasise the dormer and fail to achieve a coordinated and coherent design across the front elevation of the dwelling.
 7. It is therefore concluded the proposed alteration to the permitted front dormer would be unacceptably harmful to the character and appearance of the area. It would conflict with Policy DE1 of the 2015 Torbay Local Plan (LP) which, amongst other things, requires development to respect local character and to integrate with the existing street scene. It would also fail to represent a high standard of design, as expected by the National Planning Policy Framework ('the Framework').
 8. The appellant has suggested other possible finishes instead of the proposed cladding. However, natural timber, zinc or slates would similarly be uncharacteristic facing materials and thereby also incongruous. Hanging tiles would result in the dormer assimilating with the roof to a greater degree than render, and the wording of the Council's condition allows for hanging tiles so long as they matched the existing roof. The substitute condition in the formal decision above therefore adopts a similar approach by enabling a choice of render or hanging tiles.
 9. In contrast to the front of the dwellings in this part of the street, there is a greater variation in the facing materials used at the rear. The rear dormers of 17 and 21 Lammas Lane have similar horizontal cladding to that sought by the appellant. Consequently, in this context, the proposed cladding of the rear dormer would not appear incongruous. Although there would be public views of the dormer's clad flanks, the views would be limited and the effect on the Lammas Lane street scene would be negligible. It is therefore concluded the proposed alteration to the permitted rear dormer would not be unacceptably harmful to the character and appearance of the area and would not conflict with Policy DE1 of the LP or the Framework. Accordingly, the rear dormer is excluded from the substitute condition.

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 allowed.

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 allowed.

Andrew Owen

INSPECTOR