



Appeal Decision

Site visit made on 16 February 2021

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/X1165/D/20/3263474

Capel, Summer Lane, Brixham, TQ5 0DL

- 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 Ms Barbara Thomson against the decision of Torbay Council.
 - The application Ref P/2020/0704, dated 24 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is increase in ridge height, dormer roof extension to rear, installation of rooflights to front, French door and juliet balcony to side.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - i) the effect of the proposed development on the character and appearance of the host property and the wider area, and,
 - ii) the effect on the living conditions of the occupiers of 1 Laywell Close with particular reference to outlook.

Reasons

- i) *Character and appearance*
3. The appeal property is a detached bungalow located within a residential area. The dwelling is positioned on the north side of the entrance to Laywell Close which also comprises of bungalows. A common feature of the properties is their fairly simple and uncluttered roof forms. While 13 Laywell Close has a very small front dormer and a larger rear dormer, these appear as anomalies and dormers are not a characteristic feature of the locality.
 4. Policy BH6 (part 1) of the 2019 Brixham Peninsula Neighbourhood Plan (NP) specifically relates to dormers. It stipulates they should be subservient to the roofscape, by being below the ridge line and set in from the sides and eaves lines. The policy also requires dormers to be modestly scaled.
 5. In the appeal scheme, the ridgeline of the dwelling would be raised and the proposed flat roof, tile hung rear dormer would meet the positioning requirements of the policy in terms of being set below the ridge and set in from the sides and eaves lines. However, as it would only be set in from the sides by

a small degree, the dormer would nearly extend across the full width of the roof. It would therefore not be modestly scaled or subservient to the roofscape and because of its undue dominance, it would harm the form and character of the existing dwelling. Furthermore, despite its siting on the rear roof slope, given the south gable end of the house faces Laywell Close and owing to the dormer's high level positioning and the local topography, the addition would be a prominent and uncharacteristic feature within the street scene.

6. While the Council's reasons for refusal specifically related to the proposed rear dormer, it is noted the officer report also referred to the cumulative impact of the roofscape proposals and the concern the dwelling would appear cluttered and not reflect good design.
7. The front of the roof would prominently include seven rooflights positioned on two different levels. Rooflights are occasionally found in the area but they are generally limited to a small number within the same roof plane. The inclusion of seven would therefore result in the roof appearing unduly cluttered and incongruous within the locality. Consequently, this further adds to the identified harm.
8. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the host property and the wider area. It would conflict with Policies DE1 and DE5 of the 2015 Torbay Local Plan (LP) which, amongst other things, seek to ensure development respects the character of the built environment, in terms of scale and massing, and that extensions do not dominate or have other adverse effects on the character or appearance of the property or the street scene in general. It would also conflict with Policy BH5 of the NP which expects all new development to respect the character and appearance of the surrounding area and Policy BH6 for the reasons previously expressed. Furthermore, it would conflict with the National Planning Policy Framework ('the Framework') which seeks to ensure developments are visually attractive and sympathetic to local character.

ii) Living conditions

9. The rear of the appeal property is positioned relatively close to the boundary with 1 Laywell Close. The eaves level is also higher than that of No 1. As a consequence, the neighbouring property is particularly sensitive to any rear extension at the appeal site, notwithstanding No 1 having a flat roof garage located alongside part of the common boundary.
10. The proposed dormer would be set in from the eaves by a greater degree than it is set in from the sides. However, in light of the identified sensitivity to rear extensions and given the large scale of the proposed dormer, the additional high level bulk would appear overbearing and oppressive in the outlook from No 1. Although it is appreciated the dormer has been designed to protect the privacy of No 1, with only two restricted opening opaque glazed windows serving en-suites, this does not address the identified harm arising from a combination of the dormer's siting, large scale and bulk.
11. It is therefore concluded the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of 1 Laywell Close with particular reference to outlook. It would conflict with Policy DE3 of the LP which seeks to ensure development does not unduly impact upon

the amenity of neighbouring uses. It would also conflict with Policy BH6 (part 1) of the NP which seeks to ensure dormers do not have a detrimental impact on neighbouring residential amenity. Furthermore, it would conflict with paragraph 127 of the Framework which promotes a high standard of amenity.

Other Considerations

12. The appellant asserts the dormer extension on its own would 'fall within permitted development'. However, that is not the case because the proposed dormer is reliant on increasing the ridge height of the dwelling, which requires planning permission.

Conclusion

13. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

PLANNING DECISION OFFICER