



Appeal Decision

Site visit made on 10 March 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/X1165/W/20/3260441

Building Plot adjacent to Sefton Deane, Hookhills Drive, Paignton TQ4 7LH

- 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 A Linskey against the decision of Torbay Council.
 - The application Ref P/2020/0548, dated 3 June 2020, was refused by notice dated 11 August 2020.
 - The development proposed is (resubmission) proposed dwelling with garage and parking (all as per drawings).
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Decision

1. The appeal is allowed and planning permission is granted for (resubmission) proposed dwelling with garage and parking (all as per drawings) at building plot adjacent to Sefton Deane, Hookhills Drive, Paignton, TQ4 7LH, in accordance with the terms of the application, Ref P/2020/0548, dated 3 June 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal proposal follows a grant of planning permission for a very similar scheme involving the construction of a dwelling with garage and parking¹. The current proposal seeks to alter the principal elevation by omitting a modest double hipped roof dormer and replacing it with a wider hipped projection from the roof which would break the eaves line and include a large glazed opening at first floor level. The size and style of the glazed opening would also mirror that on the ground floor.
4. The approved scheme is restrained and would appear to carry over some of the simplicity of the design of the adjoining dwelling, Sefton Deane, which is far removed in scale, form and appearance from its own adjoining neighbour, 'Clover'. The alterations proposed through the current scheme would make the dwelling appear more individualised, less 'horizontal' and yet more contemporary. For a limited amount of additional bulk relative to the approved scheme, the alterations, specifically including the changes to the use of materials, would combine to result in a scheme that would assimilate similarly well with the mixed character surroundings to the extant scheme.

¹ Planning permission ref: P/2019/0690

5. In view of this main issue, the proposal would preserve the character and appearance of the area and would therefore accord with Policy DE1 of the Torbay Local Plan (2014) and Policy PNP1(c) of the Paignton Neighbourhood Plan (2019). These Policies collectively seek to ensure development is well-designed and in keeping with the surroundings in terms of scale, design, height, density, landscaping, use and colour of local materials.

Other Matters

6. I note the representations made in respect of the scheme in relation to its overall scale and effects on living conditions of neighbouring occupiers. Given that there is an extant approval for a dwelling of ostensibly the same scale and in the same location, there are limited effects to consider other than those addressed above.

Conditions

7. The extant approval does not appear to have commenced. Due to the constrained site area, I am satisfied that it is only possible for one scheme to be implemented. Conditions were imposed on the previous scheme and were considered necessary in order to control the development and construction phase as appropriate. I have considered the suggested conditions in line with the National Planning Policy Framework and Planning Practice Guidance and undertaken minor editing where necessary.
8. In addition to the statutory time limit, a condition is necessary specifying the approved plans in the interests of certainty.
9. In the interests of the living conditions of neighbouring occupiers and the character and appearance of the area, conditions are necessary in relation to all boundary treatments and landscaping measures.
10. In the interests of the efficiency and free flow of traffic on the highway, the approved parking provision in the garage shall be conditioned to be maintained as such. In order to promote the use of sustainable travel, a condition requiring the provision and maintenance of cycle storage is also necessary.
11. A condition requiring the provision of soakaways to a specified standard is also necessary in the interests of environmental quality.
12. A construction management plan condition is also necessary given the constrained road network in the vicinity of the site and close proximity to neighbouring dwellings in order to avoid harmful effects and inconvenience. Due to the need for such a Plan to be operative from the commencement of the development, this condition is a pre-commencement condition for which agreement from the appellant has been sought.
13. I have considered the suggested condition in relation to rubbish and recycling storage facilities and do not consider that there is sufficient detail on the plans to condition the provision or retention of these aspects. Similarly, the condition removing permitted development rights does not appear necessary. The PPG specifies that such conditions should only be imposed where strictly necessary to do so. As the constraints of the site dictate that only limited space is available at the rear, and most development at the front of the dwelling, including on the principal elevation, would be precluded, there does not appear any necessity for the condition.

Conclusion

14. The scheme complies with the development plan, when read as a whole. There are no considerations of sufficient materiality to indicate that a decision should be taken other than in accordance therewith.
15. For the reasons given above, having regard to all other matters raised, the appeal is allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Locations – Site Map, Ref 1734/MI
 - Proposed elevations, Ref 1734/31, dated February 2020
 - Proposed floor plans, Ref 1734/22A, dated May 2019
- 3) Prior to the first occupation of the dwelling hereby approved, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.
- 4) Prior to the first occupation of the dwelling hereby approved, provision shall be made for hard and soft landscaping according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development. The approved hard landscaping details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.
- 5) Prior to the first occupation of the development hereby approved, the bicycle storage indicated on the approved plans shall be provided and retained for the life of the development.
- 6) The dwelling hereby approved shall not be occupied until the parking spaces detailed on plan Ref 1734-22A, dated May 2019, have been provided. The spaces shall thereafter be retained for the parking of vehicles associated with the dwelling for the life of the development.
- 7) In accordance with the submitted flood risk assessment (dated 3 June 2020), surface water drainage soakaways shall be provided prior to first

occupation of the dwelling hereby approved. The soakaways shall meet the requirements of BRE Digest 365 for the critical 1 in 100 year storm event, plus 40% allowance for climate change.

- 8) Prior to the commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- a. The parking of vehicles of site operatives and visitors;
 - b. Loading and unloading of plant and materials;
 - c. Storage of plant and materials used in constructing the development;
 - d. The erection and maintenance of security hoarding;
 - e. Wheel washing facilities;
 - f. Measures to control the emission of dust and dirt during construction;
 - g. A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable;
 - h. Measures to minimise noise nuisance to neighbours from plant and machinery; and
 - i. Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.