



Appeal Decision

Site Visit made on 11 May 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2021

Appeal Ref: APP/X1165/D/20/3263584

91 Highland Road, Cockington With Chelston, Torquay TQ2 6NJ

- 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 Sean McHugh against the decision of Torbay Council.
 - The application Ref P/2020/0389, dated 23 April 2020, was refused by notice dated 11 November 2020.
 - The development proposed is described as 'Demolition of existing rear conservatory, construction of 2 storey side extension, 2 and single storey rear extension creating additional en-suite bedroom and additional living space.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to inaccuracies in the plans submitted with the application. Both parties are in agreement that the elevations shown on drawing number 1531-20-021A are not consistent with one another. The appellant's agent has confirmed that the north east elevation shown on that same drawing number is the elevation that has the correct ridge height for the proposed extension.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area; and
 - ii) The effect of the proposal on the living conditions of the neighbouring occupiers in respect of outlook and daylight.

Reasons

4. It is customarily expected that the plans of a proposed development are entirely clear. They should be accurate in terms of what is being proposed and how it would appear were the appeal to be allowed and the development constructed. In order to allow such a development it is necessary for me to be crystal clear as to what exactly is being proposed, not least because I would be seeking to impose a condition requiring it to be carried out in accordance with the approved drawings if I decide to allow the appeal. In this instance I am unclear because the elevations shown on drawing number 1531-20-021A are not consistent with one another.

5. Although the substantive planning issues in dispute are clear between the parties – as listed above – it is impossible for me to be clear what the effect of the proposed extension would be on the character and appearance of the area or on neighbours' living conditions, for the simple reason that I am unclear what is being proposed because the elevations on the submitted drawings are at odds with each other. The only effective way for the appellant to pursue his extension would be to re-apply for planning permission to the Council with accurate drawings. If the Council were to refuse his application then he would have a second chance to appeal the matter.

Conclusion

6. For the reasons given above I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR