



Appeal Decision

Site visit made on 22 June 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/X1165/D/21/3271957

41 St Annes Road, St Marychurch, Torquay TQ1 3NR

- 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 Mrs Kelly Ann Jones against the decision of Torbay Council.
 - The application Ref P/2017/1152, dated 8 November 2017, was refused by notice dated 27 January 2021.
 - The development proposed is described as 'Ground floor side extension to accommodate growing family'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A single storey side extension has been built on to the appeal dwelling. However, it does not correspond with the application plans. The submitted plans propose an extension with a staggered eastern side wall and a slightly lower eaves level to the northern part. This would reflect the design and be parallel with the main two-storey flank of the house.
3. The completed scheme has a straight eastern side wall with a continuous eaves level. The wall aligns with and forms part of the property boundary which is not parallel with the main two-storey flank of the house. Furthermore, the fenestration of the completed scheme differs, notably by way of the size and position of the two windows in the eastern wall and the addition of two rooflights.
4. In the absence of plans which reflect the extension as built, the appeal has been determined on the basis of the drawings submitted at the application stage.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of 41 and 43 St Annes Road as a pair of properties, with particular regard to the conservation area location.

Reasons

6. As the site is located within the Cary Park Conservation Area (CA), a designated heritage asset, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is largely derived from the predominance of detached and semi-detached villas in a mature landscaped setting. However, the Cary Park Conservation Area Character Appraisal 2005 (CAA), identifies

four sub-areas with a distinct identity. The appeal property forms part of an enclave of what is regarded as later development, in this case three pairs of 1930s semi-detached houses that front St Annes Road and which are numbered 37/39, 41/43 and 45/47. The properties are identified in the CAA as, 'Other key buildings and building groups of architectural importance or which make a significant contribution to the townscape'.

7. An important part of the character of the locality is the symmetry between each pair of semi-detached properties. The appeal property and No 43 have a strong degree of symmetry, notwithstanding the latter having a side extension on its western flank which provides steps up to a first-floor porch. The extension at No 43 is fairly narrow and set back from the side boundary. The proposed ground floor extension would be considerably wider and occupy almost all the space between the flank of the house and the side boundary. It would therefore significantly undermine the symmetry in the massing of the pair of houses and the way in which they spaciouly occupy the width of their plots.
8. The manner in which the flank of the appeal property is set back from the side boundary is also repeated at No 39 on the opposite side of Churchway. The set backs provide an important sense of spaciousness within a prominent part of the Churchway street scene. As the proposed extension would occupy the set back at the appeal property, it would harmfully erode the sense of spaciousness within the Churchway street scene.
9. In support of her case the appellant indicates that there are other side extensions in the locality which are directly comparable to the proposed scheme. However, no specific examples have been provided of such. Furthermore, even when taking into consideration the screening and enclosure provided by the boundary wall with a close boarded fence projecting above, the harmful effects of the proposed development would be clearly apparent from the neighbouring part of Churchway, and from St Annes Road beyond the south-east corner of the site. While the proposed materials and the design of the windows would be sympathetic to the existing house, albeit not the UPVC frames of the latter, these are not determinative considerations.
10. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of 41 and 43 St Annes Road as a pair of properties. It would also fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies DE1 and SS10 of the Torbay Local Plan 2015 and Policy TH8 of the Torquay Neighbourhood Plan 2019 (NP). Amongst other things, these policies seek to ensure development integrates with the existing street scene and respects local character in terms of bulk and massing. Furthermore, they require that development conserves and enhances the distinctive character and appearance of Torbay's conservation areas, which this would not. The development would also conflict with the National Planning Policy Framework (the Framework), which seeks to ensure development is sympathetic to local character and specifies that great weight should be given to the conservation of designated heritage assets.
11. While the Council also referred to Policy TH10 of the NP in its reason for refusal, that policy is not applicable in this case because it concerns listed buildings.

Other Matters

12. The Framework sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, the harm should be weighed against the public benefits of the proposal. However, there would be no public benefits arising from the proposed development.
13. The private benefit in terms of the provision of an additional bedroom, bathroom and living accommodation for the appellant's growing family is acknowledged. However, this benefit does not outweigh the harm.

Conclusion

14. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
15. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR