
Appeal Decision

Site visit made on 29 June 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/X1165/D/21/3271331

Lincombe Coach House, Lincombe Drive, Torquay TQ1 2HJ

- 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 Michael Mulkern against the decision of Torbay Council.
 - The application Ref P/2020/1148, dated 6 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is described as 'to raise roof re-arrange accommodation (all as drawings)'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised plan was submitted at the appeal stage which corrects an inconsistency between the application plans in respect of the roof design of a gable end. The revised plan does not materially alter the nature of the application and does not prejudice the interests of any party. It has therefore been taken into consideration.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, which is within the Lincombes Conservation Area.

Reasons

4. As the site is located within the Lincombes Conservation Area (CA), a designated heritage asset, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Lincombes Conservation Area Character Appraisal 2002 (CAA), indicates the significance of the CA is largely derived from 19th century terraces and villas against a backdrop of steep hillsides covered in vegetation.
5. The appeal property is sited to the north east of Grantham Hall which is an impressive three storey villa. While Grantham Hall is not a listed building, it is identified in the CAA as 'Other key buildings and building groups of architectural importance, or which make a significant contribution to the townscape'.
6. The appellant indicates the appeal property was originally garages/a coach house to Grantham Hall which has been rebuilt and extended and now forms a separate dwelling. The dwelling is single storey with further accommodation in the roof. However, due to a high stone boundary wall fronting Lincombe Drive,

- only part of the dwelling's roof is clearly visible within the street scene, the visible section having a simple hipped form with two small rooflights.
7. Given the secluded nature of the building and the simple roof form, it is not readily apparent from Lincombe Drive that it forms a separate dwelling from Grantham Hall. This only becomes clear when looking through the entrance gates at a particular angle. The limited presence of the property in the street scene and its seemingly preserved historic relationship as an ancillary building to Grantham Hall are important elements of the character and appearance of the locality.
 8. The appellant has drawn attention to the later addition of a two storey dwelling positioned alongside the south west corner of Grantham Hall, named Grantham Lodge. However, due to the rising land levels in the area, only its first floor has a clear visual presence in the neighbouring Ridgeway Road street scene and like the appeal property, it has a simple hipped roof form. A similar visual presence and roof form applies to the two storey side extension and later garage extension to Amberley Court on the opposite side of the road to the appeal site, which is now named Amberley House. Consequently, there is an established appearance to the new dwellings in the immediate locality whereby they visually present only a single storey with a simple hipped roof form to the adjacent street scene.
 9. The proposed development includes raising the ridge height at the appeal property and extending the section of the roof that would be visible above the boundary wall at the north eastern end. The modified roof would have three half hipped gable ends that incorporate windows, including one that would directly face the street. There would also be two large rooflights visible from Lincombe Drive.
 10. The proposed scheme would fundamentally change the character and appearance of the property when viewed from Lincombe Drive. Instead of having a limited visual presence and seemingly preserved relationship to Grantham Hall, due to a combination of the additional high level bulk, complex roof form and increased areas of glazing, it would appear as a separate new modern dwelling within the original grounds of the villa. Moreover, given the half hipped features and large rooflights, along with the building clearly exceeding one storey when viewed in the Lincombe Drive street scene, it would fail to accord with the established appearance of the new dwellings in the locality. It would therefore appear incongruous and harm the character and appearance of the area.
 11. Furthermore, the appellant's contention that the appeal building is a non-designated heritage asset is recognised and in accordance with paragraph 197 of the National Planning Policy Framework (the Framework), the effect of the proposal on its significance should be taken into account. The building's significance derives from its simple secluded form and relationship with Grantham Hall. Accordingly, as the proposed scheme would fundamentally change the character and appearance of the building and its relationship with Grantham Hall, it would harm its significance.
 12. While the appellant has drawn attention to several other developments in the area, the full details of those cases and their particular circumstances are not before me. However, it is apparent the two storey form of Maple Lodge in Higher Erith Road conforms with that of the other buildings in the neighbouring

street scene while 34B Ilsham Road is located outside of the CA and is not visibly related to a neighbouring historic villa. The Palace Hotel and Stoodley Knowle School redevelopments are clearly of a different magnitude where other planning policy considerations would have applied. Consequently, they are not directly comparable to the appeal scheme which has been considered on its own merits and with regard to its particular location and circumstances.

13. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the area and the significance of the non-designated heritage asset. It would also fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies DE1, DE5 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 respects local character in terms of height, scale and bulk, and reflects the identity of the surroundings. Furthermore, they require development to sustain and enhance all designated and undesignated heritage assets. The development would also conflict with 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.

Other Matters

14. Paragraph 196 of the Framework sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. The level of harm in this case would be less than substantial and there would be no public benefits arising from the proposed scheme that would outweigh the harm.
15. The private benefit in terms of the improved living conditions for the appellant's family that would be derived from the expanded and re-arranged accommodation is acknowledged. However, this benefit does not outweigh the harm.

Conclusion

16. 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.
17. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR