



Appeal Decision

Site visit made on 19 July 2021

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2021

Appeal Ref: APP/X1165/D/21/3270220

38 Station Hill, Brixham

- 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 Sarah Madden against the decision of Torbay Council.
 - The application Ref P/2020/1255, dated 27 November 2020, was refused by notice dated 9 February 2021.
 - The development proposed is dormer roof extension to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for dormer roof extension to rear elevation at 38 Station Hill, Brixham in accordance with the terms of the application, Ref P/2020/1255, dated 27 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 1562-20-001A, 1562-20-002, 1562-20-010C.
 - 3) The window on the north west (rear facing) elevation on the extension hereby approved shall be fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and, once installed, the obscured glazing shall be retained thereafter.

Procedural Matter

2. A revised version of the National Planning Policy Framework was published on 20 July 2021. Although the main parties have not been given an opportunity to comment on the revised document, the changes introduced are of limited relevance to the Council's reasons for refusal. Therefore, no party's interests would be prejudiced if I were to determine the appeal on the information currently before me.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Brixham Town Conservation Area.

Reasons

4. The terrace in which the appeal property is situated contains older-style houses of similar design and proportions. As such, the street frontage in this particular part of Station Hill retains a good deal of architectural consistency. This consistency makes a direct contribution to the character and appearance of the Brixham Town Conservation Area, the significance of which is mainly derived from the quality of the historic buildings, streets and terraces.
5. The proposed roof extension would be clearly seen from the rear gardens of neighbouring dwellings in Station Hill as well as from the rear of adjacent housing in South Furzeham Road. However, as the extension would be on the rear elevation of the dwelling and positioned below the ridge line of the existing roof, it would not be easily seen from public vantage points.
6. Although the extension would not be aligned with the existing window and door in the rear elevation, it would be a relatively small structure which would appear visually subservient to the host dwelling. As such, it would not disrupt the existing pattern of fenestration within either the host dwelling or the wider terrace to any harmful extent. While there are no similar rear-facing extensions within this part of the terrace, the rear elevation of the terrace has a somewhat less consistent appearance than the street frontage. Given the limited extent to which the extension could be seen, the overall impact on the appearance of the Conservation Area would be negligible.
7. I therefore conclude that the proposal would preserve the character and appearance of the Conservation Area. There would be no conflict with Policies SS10, DE1 and DE5 of the Torbay Local Plan. Nor would there be conflict with Policies BH5 or BH6 of the Brixham Peninsula Neighbourhood Plan. Amongst other things, these policies aim for appropriate standards of design and the protection of heritage assets.

Conclusion

8. For the reasons given above, the appeal should therefore be allowed. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. As suggested in the Council Planning Officer's report, there is also a condition requiring obscured glazing in the proposed window. This is to maintain the privacy of nearby occupiers in South Furzeham Road.

Colin Cresswell

INSPECTOR