



Appeal Decision

Site visit made on 20 July 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2021

Appeal Ref: APP/X1165/D/21/3273483

36 Station Hill, Berry Head With Furzeham, Brixham TQ5 8BN

- 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 and Mrs Fidgeon against the decision of Torbay Council.
 - The application Ref P/2020/1107, dated 2 November 2020, was refused by notice dated 25 February 2021.
 - The development proposed is rear dormer roof extension at second floor level.
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Decision

1. The appeal is allowed and planning permission is granted for rear dormer roof extension at second floor level at 36 Station Hill, Berry Head With Furzeham, Brixham TQ5 8BN in accordance with the terms of the application Ref P/2020/1107, dated 2 November 2020, subject to the following 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: 7444P001 Rev C, 7444P012 Rev C, 7444P016 Rev C and the Site Location Plan.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, bearing in mind the special attention to be paid to the extent to which it would preserve or enhance the character or appearance of the Brixham Town Conservation Area (the CA); and,
 - the living conditions of neighbouring occupants, with reference to daylight and outlook.

Reasons

Conservation Area

3. Station Hill turns east and west as it negotiates a steep hillside within the CA, until it meets South Furzeham Road adjacent to a former railway embankment on higher land to the west. No 36 is in the approximate middle of a simple C19 terrace of two storey houses on the west side of the street. The rear elevation of a terrace on South Furzeham Road is close by behind No 36 to the west.
4. This part of the CA draws significance from the fairly consistent massing and detailing of the frontages of these modest terraced dwellings, particularly with

regard to the window and door arrangements and the small dormers which most of the houses have within their principal roof slopes.

5. On the other hand, the rear of the terrace hosting No 36 has a less refined and a somewhat cluttered appearance, with a number of rooflights and a rather disordered variety of protruding single storey, flat roofed elements. Given also its concealment from the public realm, this area does not offer a positive contribution to the CA. For these reasons, whilst I recognise that the proposal would not find any direct precedent across the rear of the terrace, it would be a compatible addition, given the prevailing utilitarian character. The contribution that No 36 makes to the CA would be undiminished.
6. Accordingly, I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area, bearing in mind the special attention to be paid to the extent to which it would preserve or enhance the character or appearance of the CA. It would accord with the heritage and design aims of Policy BH5 of the Brixham Peninsular Neighbourhood Plan 2012–2030 (BPNP) (made 2019), Policies DE1 and DE5 of the Torbay Local Plan 2012–2030 (adopted 2015) (TLP) and the National Planning Policy Framework (the Framework). Reference is also made to Policy BH6 of the BPNP. However, by my reading of Paragraph 4.13, the BPNP does not intend this policy for application within Brixham’s Conservation Areas.

Living conditions

7. No 36 adjoins Nos 34 and 38 to the south and north respectively. Given the steep topography, the rear garden spaces of the terrace containing No 36 are set at around the first-floor level of the houses, with wells providing light and access to ground floor areas. Given also the presence of the rear projecting elements and the somewhat looming company of the properties fronting South Furzeham Road to the west, windows within the rear elevation of the terrace generally have limited access to both daylight and outlook.
8. The extension would adjoin No 34. However, there is no window within the adjacent section of No 34’s rear elevation at first floor level. Whilst there is an opening at ground floor, this likely already enjoys very little in the way of outlook or daylight. The proposed extension, being located quite high above this opening and the associated yard space, would do little to change this existing situation. The extension would be set back away from the common boundary with No 38, which would prevent tangible loss of outlook from No 38 and lessen the loss of daylight to that property to acceptable levels.
9. As such, I conclude on this issue that the proposal would have an acceptable effect on the living conditions of neighbouring occupants, with reference to daylight and outlook. It would accord in this regard with Policy BH5 of the BPNP, Policies DE1, DE3 and DE5 of the TLP and the Framework.

Other Matters

10. Concerns are raised about potential loss of privacy for neighbouring residents. However, the aspect of the extension would be largely over No 36’s own garden, with any overlooking to neighbouring spaces beyond that acceptable within this established context of significant mutual overlooking. Reference has been made to the scheme setting a precedent in the area. However, each case must be assessed on its individual merits, based on its own circumstances.

Conditions and Conclusion

11. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. Given the absence of the scheme from public view, the existing materials within the rear elevation of the terrace and given also that the proposed finish materials are listed on the proposed drawings, it is not necessary for a condition to ensure that the scheme's finish materials strictly match the existing dwelling.
12. For the reasons outlined above, and taking all other matters raised into account, I shall therefore allow the appeal.

Matthew Jones

INSPECTOR