The Planning Inspectorate

Appeal Decision

Site Visit made on 20 July 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2021

Appeal Ref: APP/X1165/D/21/3274305
Crosby Lodge, Shedden Hill Road, Torquay TQ2 5TY

- 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 Karl Bentham against the decision of Torbay Council.
- The application Ref P/2020/1157, dated 13 November 2020, was refused by notice dated 10 March 2021.
- The development proposed is described as 'Proposed second-floor extension'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address set out on the application form and the Council's Decision Notice although I note that in some of the documents it is referred to as Sheddon Hill Road.

3. A revised National Planning Policy Framework was published on the day of my site visit. Given that there is no material change to its content in relation to this appeal, I have not found it necessary to invite further comments from either party.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the Belgravia Conservation Area.

Reasons

5. The appeal site is located just back from the main seafront at Torquay. The seafront itself is relatively flat with rising land behind. The appeal site is located on the seaward side of Shedden Hill Road. It is located in an elevated and prominent position, clearly visible from the seafront, set against a backdrop of mature trees and larger properties. Below the site and on the seafront is a more recent development known as 'Abbey Sands'.

6. The appeal site is located within the Belgravia Conservation Area (CA) and I have been provided with a copy of the Conservation Area Appraisal (CAA). The CAA indicates a predominance of villas set in their own grounds built in the 1830's – 1860's. Stucco and render are the key building materials, as is slate for the roofs. The CAA indicates that Crosby Lodge is a key building within the CA which makes a significant contribution to townscape and has a largely unspoilt frontage retaining significant period details. This concurs with what I

observed on my site visit. For these reasons, I consider Crosby Lodge to be a heritage asset.

7. Crosby Lodge is a rendered villa with a projecting 2 storey bay on its principal elevation under an angled hipped roof. The main roof is slated at a low pitch with deep eaves on moulded brackets. It's rendered chimney stacks with platbands and cornices and well-proportioned sash windows at first floor level result in an elegant building. The roof and chimneys are the main elements of the building which can be seen from the pedestrian walkway known as 'Rock Walk'. Being largely unaltered, Crosby Lodge is clearly in contrast to many of the surrounding properties which have been extended and remodelled over the years to accommodate commercial uses such as hotels. It is also in stark contrast to the more recent development known as 'Abbey Sands' which is a contemporary building.

8. The addition of the fire escape on the rear elevation would be largely hidden from view and would therefore have a limited impact on the character and appearance of the host dwelling. However, the addition of a second floor to the host dwelling to create additional living accommodation and a rooftop terrace would erode some of the fundamental features of the building that I have identified above. The angled hipped roof over the 2-storey bay would be lost and as a result, the bay would lose some of its prominence. The chimneys (where retained) would no longer appear as clear features of the building, when set against the roof extension. Furthermore, the addition of balconies at first floor and the replacement of 3 of the windows with doors would together detract from the simple yet elegant façade.

9. Paragraph 203 of the National Planning Policy Framework (revised July 2021) ('the Framework') requires a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset. In reaching my decision about the effect of the proposal on the heritage asset, I have been mindful of the appellants submissions. I understand the appellants desire to regain views of the bay which he feels were lost by the development of Abbey Sands. I also understand that the appeal scheme seeks to incorporate a veranda at ground floor level which is a historical feature which has been lost and that the appellant considers that many of the buildings in the vicinity of the site have been altered and extended. However, I have found that there is significant harm to the character and appearance of the host dwelling and these are not benefits which have sufficient weight to outweigh the harm I have found.

10. As a result, I find that the proposal would significantly harm the character and appearance of the host dwelling and is therefore in conflict with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030 (LP) and Policy TH8 of The Torquay Neighbourhood Plan adopted June 2019 (NHP) which seek to ensure that new developments respect and enhance the built environment and do not dominate or have an adverse effect on the character or appearance of the original property.

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I give special attention to the desirability of preserving or enhancing the character or appearance of the CA. Given what I have found above in terms of the impact of the proposal on the character and appearance of the host dwelling and that I identified Crosby Lodge as a prominent building

in the street scene with many of it's original features and character intact, I also find that the appeal proposal would significantly diminish the significance of the building and the important role it plays in the CA. Therefore I find that it would not preserve or enhance the character or appearance of the C resulting in less than substantial harm to the significance of the CA.

12. Para 202 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There would be some public benefit to providing a veranda to the property and reinstating a historical feature to the building. However, this could be done in isolation of the remainder of the scheme and therefore I do not find that it would outweigh the significant harm I have found and consequently I conclude that the proposal would fail to preserve the character or appearance of the heritage asset and the Belgravia Conservation Area contrary to Policy SS10 of the LP.

Conclusion

13. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR