



Appeal Decision

Site Visit made on 31 August 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/X1165/W/21/3274644

Flat 1, 10 Cleveland Road, Paignton TQ4 6EN

- 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 Ms Katy Taylor against the decision of Torbay Council.
 - The application Ref P/2021/0134, dated 26 January 2021, was refused by notice dated 7 April 2021.
 - The development proposed is a single storey side extension to apartment.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.

Main Issue

3. The main issue is the effect of the extension on the character and appearance of the host building and area, having particular regard to whether the proposal would preserve or enhance the character or appearance of the Roundham and Paignton Harbour Conservation Area (the CA).

Reasons

4. The CA covers a fairly extensive area, including the harbour and the largely residential suburbs on the adjoining hillside. 10 Cleveland Road is located within the CA and the general area around the appeal site is significant including because of the often large, detached and semi-detached villas that reflect the extension of this area which mainly started during the Victorian period. Despite the more modern infill development and alterations to some buildings, the presence of the original villas still provide a notable component to the character and appearance of the area.
5. No 10 is a detached villa divided into flats and dates from about 1900¹. The front elevation and large parts of the north facing side elevation are clearly apparent within the street scene. In these views, the double height front and the triple height side bay windows, together with the sizeable chimney and steep pitch of the roof, combine to create a visually pleasing and vernacular building. The addition of the two flat roofed extensions either side of the front

¹ As noted in the Roundham & Paignton Harbour Conservation Area Character Appraisal.

façade, however, detract from the simplicity of the plan form and appear at odds with the original character of the building.

6. The Roundham & Paignton Harbour Conservation Area Character Appraisal identifies No 10 as one of a number of key buildings and building groups of architectural importance or which make a significant contribution to the townscape.
7. Flat 1, 10 Cleveland Road is a lower ground floor unit within the building. It has a living room facing the side and which incorporates the lower section of the three storey side bay window. This side garden area is sunken and fenced. Nevertheless, sections of the lower ground floor bay window are visible in some angled views from the main road and from parts of the vehicular access that runs down the side of the properties.
8. The proposed single storey extension would project to the side of the building in the approximate position of the bay window. The flat roof of the proposed extension would be set behind a parapet. Even if additional landscaping was to be provided, in all likelihood, a top section of the extension would still be visible from outside the site and the horizontal form of the addition, projecting away from the side of the building, would be at odds with the vertical emphasis provided by the bay windows. The addition would involve the loss of the lower ground floor bay window and the importance and integrity of the remainder of this feature would be significantly eroded. The lower section of the bay window would be replaced by an addition that would appear bulky and poorly articulated, projecting away from the building in a way that would not respect its plan form or proportions. The result would be a noticeable and unsympathetic addition that would not be visually attractive and would fail to integrate with the character of the more positive elements of the building.
9. I note the case made that the extension would not be visible in public views. Notwithstanding my considerations above, even if this was the case, it seems to me that the significance of the CA does not rely solely on elements that can be seen from the public realm. A gradual erosion of elements that make a positive contribution to the character and appearance of the buildings within a conservation area can have an adverse effect on the significance of the conservation area and its designation as a heritage asset. In this case, the loss of the bottom section of the bay window and the incongruous form of the extension would be harmful to the local distinctiveness of the host building and not respond to local character, even if the addition was only visible from within the site.
10. In coming to this view, I have taken into account that the proposed extension would be set back behind the existing flat roofed front extension and that there are larger flat roofed apartments and the garages adjoining the site. These form part of the character of the area. Nevertheless, the presence of these structures does not justify a further addition that would cause the harm to the host building and area that I have identified.
11. As a result of the above analysis, I consider that the proposal would harm the character and appearance of the host building. Furthermore, the extension would undermine the visual appearance of the building and erode the positive contribution it makes to this part of the CA and, therefore, detract from the significance of this heritage asset. The harm to the CA as a whole would be less than substantial within the meaning of paragraph 202 of the Framework. In

accordance with the Framework, this harm should be weighed against the public benefits of the proposal.

12. The benefits of the scheme would include the economic benefits from the construction works and the provision of improved accommodation and living conditions for the occupants of the lower ground floor, both now and in the longer term for future residents. This would accord with the Framework policy that decisions should create places with a high standard of amenity for existing and future users. However, notwithstanding the importance of these matters, the public benefits would be minor and afford limited weight in favour of the scheme.
13. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the public benefits of the proposal afford limited weight and, therefore, would not outweigh the harm to the CA and its significance, which although localised, in accordance with the Framework, is required to be attributed great weight.
14. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the host building and area, and not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and the Framework which seek, amongst other things, that domestic extensions should not have an adverse effect on the character or appearance of the original property or on the street scene in general.

Conclusion

15. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR