



Appeal Decision

Site Visit made on 19 October 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/X1165/D/21/3275418

14 Bench Tor Close, Torquay, TQ2 7SH

- 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 Mrs Karen Procter against the decision of Torbay Council.
 - The application Ref P/2020/1305, dated 21 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is a loft conversion with rear flat roof dormer.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with rear flat roof dormer at 14 Bench Tor Close, Torquay TQ2 7SH, in accordance with the terms of the application Ref P/2020/1305, dated 21 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby approved shall in all respects accord strictly with drawing numbers: OS Map/Site Location Plan, Proposed Loft Conversion Floor Plans 20125-03, Proposed Loft Conversion Elevations 20125-04 and Proposed Loft Conversion Elevations 20125-05 received by the Local Planning Authority on 22 December 2020.
 - 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The development shall be carried out in accordance with the recommendations identified within the Ecological Report dated 14 December 2020 and prepared by David F Wills Ecological Consultant.

Preliminary Matters

2. I have amended the original description of development to reflect that as stated at section E of the appeal form in the interests of accuracy and consistency.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area and the host building.

Reasons

4. The appeal building is a mid-terrace two storey attached dwelling located within a residential area. The short terrace rises uphill from Bench Tor Close, with the neighbouring dwelling at number 16 being positioned on higher ground than the appeal building. It was evident from my site visit that there is variety in terms of design and appearance of dwellings within the immediate surrounding area and, whilst dormer extensions were not a common design characteristic within Bench Tor Close, a very small number of dormers were located on residential dwellings close to the appeal building.
5. From the details and plans submitted, the proposed rear dormer would be somewhat substantial in terms of its spread, extending across almost the full width of the roof. However, whilst noting the spread of the proposed dormer, it would be sited to the rear and it would be set down from the ridge line and up from the eaves, thus retaining some uninterrupted roof slope below and above. The dormer would be constructed in materials that would match the host building with windows that would align and be in proportion with those below, thereby picking up on features on the existing house. Together these matters would ensure that it would sit comfortably within the roof slope and its scale would relate appropriately to the host dwelling.
6. The dormer would not be visible from the front of the appeal building and would not be readily visible from within Bench Tor Close. Whilst it would be visible from neighbouring gardens to the rear, the proposal would be seen against the varied rear built form of this terrace which includes conservatories, and in the context of higher roof ridge line height for the neighbouring dwelling which, as described above is set on a higher land level. In that regard, the proposed development would not appear dominant, incongruous nor would it materially harm the visual amenity of the occupiers of nearby properties.
7. Whilst it was noted that there would be very limited glimpsed public views of the proposed dormer available from Exe Hill, these would be at some distance. Furthermore, unlike other additions and alterations made to the rear of dwellings within the immediate area, including a substantial sized dormer extension on a dwelling close to the appeal site which could be seen from the footpath which connects Exe Hill to Avon Road located to the south of the site, the rear of the appeal building could not be seen from that footpath by reason of the presence of high hedges and would not be prominent in views from the public realm.
8. Taking the aforementioned factors into consideration, I conclude that the rear dormer would not appear dominant or incongruous within the area. Consequently, given the above context, the proposal would not result in harm to the character and appearance of the dwelling or to the surrounding area.
9. The appeal scheme would therefore comply with the requirements of Policies DE1 and DE5 of the Torbay Local Plan 2012 – 2030 which, amongst other matters, seek to ensure that developments are well-designed and that domestic extensions do not have adverse effects on the character or appearance of the original property or on the surrounding area in general. Furthermore, the appeal proposal would comply with Policy TH8 of the Torquay Neighbourhood Plan, which requires that development be of good quality design which respects the local character.

10. I have considered the argument that the grant of planning permission would set a precedent for other similar developments within the area. However, each application and appeal must be determined on its own individual merits and the particular circumstances relating to the appeal proposal with regards to, amongst other matters described above, the prominence of the rear of the appeal property from views within the immediate surrounding area, would be, in my view, unlikely to be repeated elsewhere.

Conditions

11. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. In order to protect the character and appearance of the host dwelling, I am attaching a condition requiring materials used in the construction of the external surfaces of the development to match those used in the existing building. Furthermore, it is also reasonable, and necessary in terms of the provisions of Policy NC1 of the Local Plan, to include a condition which requires that the recommendations of the ecological report that was submitted in support of the proposal and relating to the provision of bird boxes at the appeal site, be implemented.

Conclusion

12. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

Mr A Spencer-Peet

INSPECTOR