



Appeal Decision

Site visit made on 11 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/X1165/D/21/3283049

6 Berkeley Avenue, Torquay TQ2 7LE

- 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 & Mrs Luke Carswell against the decision of Torbay Council.
 - The application Ref P/2021/0606, dated 29 April 2021, was refused by notice dated 16 July 2021.
 - The development proposed is the extension to North/West elevation, raising ridge height to form loft conversion. Raised terrace South elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the extension to North/West elevation, raising ridge height to form loft conversion. Raised terrace South elevation at 6 Berkeley Avenue, Torquay, TQ2 7LE in accordance with the terms of the application, Ref P/2021/0606, dated 29 April 2021, 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: Site Location P2021-0606-4, Existing Various 2375-01, Proposed Various 2375-02B and Proposed Internal 2375-03A received by the Local Planning Authority on 29 April 2021.
 - 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 hereby approved shall be carried out in accordance with the recommendations contained within the George Bemment Associates Preliminary Ecological Assessment dated 11 December 2020 with the recommended bat boxes being retained thereafter.

Preliminary Matters

2. In allowing the appeal I have altered the description of the proposed development in the banner heading above to remove reference to the term "(re-submission of previous refusal P/2020/1330)", as this is not a description of development.

Main Issue

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

Reasons

4. The appeal site comprises a detached bungalow set within a generously sized corner plot, located within a residential area. Dwellings within the surrounding residential area exhibit a variety of designs and styles, with a number of dwellings within Berkeley Avenue and Berkeley Rise appearing to have been altered or extended. Furthermore, the scale and size of dwellings within this area can also be properly described as varied with substantially sized two storey detached dwellings being located amongst more modestly sized bungalows.
5. Whilst the planning history for the site is acknowledged, the appeal proposal would see the host dwelling being modestly extended at ground floor level, with the overall roof ridge height being increased by approximately one metre. The scheme further proposes the addition of modestly sized dormers on the eastern and southern elevations which, by reason of their proportions and set down from the ridge line, would be subservient in terms of scale to the host dwelling and which would reflect other examples of dormers to be found within Berkeley Rise.
6. The scheme would result in an increase in overall height of the dwelling. However, by reason of the changes in land levels at and surrounding the site and given the varied scale and heights of buildings within Berkeley Avenue and Berkeley Rise, I do not find that the proposed increase in height would be unacceptable, nor would the resulting dwelling represent an unduly dominant feature within the street scene.
7. In terms of overdevelopment, whilst I note that the proposal would extend the footprint of the dwelling to a limited degree, from the observations made on my visit I find that the generously sized corner plot would be of sufficient size to accommodate the appeal proposal without appearing to be cramped within its plot. In terms of mass, bulk and spread, I find that the proposal would remain compatible with the varied scale of dwellings within the immediate surrounding area. In combination with the requirement that materials must match those used in the existing dwelling, which can be secured by condition, in my view the appeal scheme would not result in an incongruous development that would be harmful to the established character and appearance of the surrounding residential area.
8. For the above reasons, I find that the proposal would not adversely affect the character and appearance of this residential area. The appeal scheme would therefore comply with Policies DE1 and DE5 of the Torbay Local Plan (2015) and Policy TH8 of the Torquay Neighbourhood Plan (2019) which, together and amongst other matters, seeks to ensure that development is well designed and respects local character. For the same reasons the proposal would accord with those parts of the National Planning Policy Framework (2021) which concern achieving well designed places.

Conditions

9. 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 surrounding area and 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. In the interests of ecology and biodiversity, I have also imposed a condition requiring the development to proceed in accordance with the recommendations of the submitted ecological report.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR