



Appeal Decision

Site visit made on 18 January 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/X1165/D/21/3281024

2 Lakes Close, Berry Head With Furzeham, Brixham TQ5 8PJ

- 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 John Cleave against the decision of Torbay Council.
 - The application Ref P/2021/0020, dated 6 January 2021, was refused by notice dated 17 June 2021.
 - The development proposed is a conservatory to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory to front elevation at 2 Lakes Close, Berry Head With Furzeham, Brixham TQ5 8PJ in accordance with the terms of the application, Ref P/2021/0020, dated 2 February 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2084-03 and 2084-04A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. Insofar as it is relevant to this appeal, I have taken the Framework into account in reaching my decision.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reason

4. The appeal site is located in a residential area consisting predominately of bungalows. The appeal property is a detached bungalow occupying a corner plot with its principal elevation fronting onto Lakes Close and the side elevation onto Lakes Road. The bungalow is positioned towards the back of the plot so that the main garden area wraps around the front and side of the bungalow. The boundary of the site with the footway comprises of a low brick wall with an established hedge behind.

5. The proposed conservatory would be on the principal elevation facing onto Lakes Close. There are no other similar projections to the bungalows on the same side of Lakes Close but I saw on my site visit that there were smaller porch additions and that there were forward projections on the bungalows on the opposite side of the road, including the bungalow on the corner of Lakes Close with Lakes Road (14 Lakes Road) which has a conservatory on its side elevation facing towards Lakes Close and the appeal property.
6. The presence of the hedge on the appeal site boundary between the site and the footway, means that the proposed conservatory would be largely screened from outside of the site and as such, would not be a highly visible addition to the dwelling. The Council are concerned that the conservatory would be visible if the hedge were to be removed by subsequent occupiers and I agree. However, the hedge currently provides privacy to the garden and would also provide privacy for anyone using the conservatory and for these reasons I am not convinced that it would be desirable for a subsequent occupier to remove the hedge.
7. The conservatory would be more visible from Lakes Close itself, if travelling back towards the junction with Lakes Road. However, it would be viewed against the backdrop of the host dwelling and the presence of a hedge means that views of the conservatory from outside of the site are also limited from this direction.
8. As such, I find there is no conflict with Policy DE1 of the Torbay Local Plan 2012-2030 adopted December 2015, Policy BH5 of the Brixham Peninsula Neighbourhood Plan 2012-2030 adopted June 2019 and paragraph 126 of the Framework insofar as they require a high standard of design in all new developments, respecting the character of the site and its surroundings.

Other Matters

9. Although not included in the reason for refusal, the Council's officer report refers to overlooking of neighbours from the conservatory. However, I noted that there were no windows on the side elevation of the closest neighbouring property (4 Lakes Close) which would result in overlooking and as such, I find that there would be no harm to the living conditions of neighbouring occupiers.

Conditions

10. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have imposed a condition requiring the external materials to match the existing.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

Alison Fish

INSPECTOR