



Appeal Decision

Site visit made on 1 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/X1165/W/21/3282847

2 Mead Road, Torquay, TQ2 6TE

- 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 Dave Frankum against the decision of Torbay Council.
 - The application Ref P/2021/0229, dated 24 February 2021, was refused by notice dated 31 August 2021.
 - The development proposed is the formation of dwelling within existing garden and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the original description of development to reflect that as stated at section E of the appeal form and as provided for on the Council's decision notice, in the interests of accuracy and consistency.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - The effect of the proposed development on the living conditions of occupants at 3 and 4 Parkmead with particular reference to outlook and natural light.

Reasons

Character and Appearance

4. Policy DE1 of the Local Plan concerns design and provides that development should be well-designed, respecting and enhancing Torbay's special qualities and further specifies the design considerations proposed development should comply with in respect of function, visual appeal and quality of public space.
5. The appeal site is located within a residential area, with the area immediately surrounding the site predominately comprising substantial detached dwellings of various styles and designs, set within generously sized plots and which gives the area a spacious character and appearance. The appeal scheme seeks to construct a substantially scaled detached dwelling within the existing garden space at 2 Mead Road. The proposal would comprise a three storey dwelling

which in part is restricted to two storeys by reason of changes in land levels at the site. The proposal would be positioned to the side of the existing host dwelling and would retain existing boundary hedges between the appeal site and the neighbouring dwellings at Parkmead located within Broadpark Road north of the appeal site.

6. The Council's Officer report identifies a number of concerns with regards to the impact of the proposed dwelling on the character and appearance of the surrounding area. These concerns appear to relate to the resulting width of the plot, and the design of the proposed dwelling.
7. The proposed dwelling would be substantial in scale and would respect the surrounding built form in terms of bulk and mass. The proposed dwelling would have a pitched roof, would maintain a consistent building line with its neighbours and, by reason of the variety of materials used within the surrounding area, I find that the design of the proposed dwelling would not be harmful to the established character and appearance of the area. Whilst I note the Council's concern that the proposed dwelling would be orientated such that the massing of the dwelling would extend to the rear of the plot rather than across its width, there are other examples of dwellings near to the site which have similar orientation and, consequently I find no harm in that regard.
8. Notwithstanding the above, the appeal site contributes to the spacious character and appearance of the area and, whilst noting that the mass of the proposal would extend to the rear of the plot, the proposed dwelling would be sited in very close proximity to its neighbours within Mead Road and Broadpark Road, filling almost the full width of the plot. In this respect the proposed dwelling would appear somewhat cramped within the site and would erode the spacious quality of the area, thereby being harmful to the character and appearance of the area.
9. I acknowledge that 2 Mead Road is positioned in close proximity to its neighbour at 4 Mead Road. However, the spacious quality of the area is maintained by the generous spacing between that dwelling and its other immediate neighbour at 6 Mead Road. This position would not be replicated at the site where the proposal would appear cramped between the existing development within Broadpark Road and the dwelling at 2 Mead Road.
10. In light of the above, whilst the massing and design of the proposal would reflect local character, the proposal would harmfully erode the spacious quality of the area being harmful to its character and appearance. Consequently, I find that the proposal would adversely affect the character and appearance of the surrounding area. The appeal scheme would therefore conflict with Policy DE1 of the Torbay Local Plan (2015) (the Local Plan) and Policy TH8 of the Torquay Neighbourhood Plan (2019) which, together and amongst other matters, seeks to ensure that development respects local character.

Living Conditions

11. Policy DE3 of the Local Plan seeks to ensure that development provides a good level of amenity for occupants and that proposals do not unduly impact on the amenity of nearby residents with regards to, amongst other matters, outlook for neighbouring properties.

12. The proposed dwelling would be positioned within the appeal site in very close proximity to the shared boundary with those dwellings located at Parkmead. In this regard, by reason of the separation distance and relative position of the dwellings at 1 and 2 Parkmead, the appeal scheme would not, in my view, adversely affect the living conditions of residents of those dwellings with regards to loss of outlook or unacceptable loss of natural light.
13. Nonetheless, from the evidence before me and from observations made on my visit, the dwellings at 3 and 4 Parkmead are located in closer proximity to the shared boundary with the external amenity area to the rear of those dwellings appearing to be more modestly sized and constrained than the respective rear external amenity area at 1 and 2 Parkmead. The proposed dwelling would be located on higher land than the neighbouring properties at 3 and 4 Parkmead and, whilst noting that existing boundary vegetation would help screen a portion of the wall on the northern elevation of the proposed dwelling, by reason of the substantial height of the proposed dwelling and its close proximity to the garden and rear elevations of 3 and 4 Parkmead, I find that the proposal would be overbearing to a significant degree, resulting in an unacceptable impact on the living conditions for residents at those neighbouring properties with regards to outlook.
14. Further to the above, I acknowledge the Appellants' submissions with regards to the degree to which the host dwelling at 2 Mead Road currently overshadows the neighbouring properties at 3 and 4 Parkmead. In this regard, whilst I concur that there would not be a significant loss of light for rooms located at the rear of these neighbouring dwellings, the proposal would be likely to reduce the amount of light entering the rear external amenity space which serves these neighbouring properties.
15. I therefore conclude on this main issue that the proposal would be harmful to the living conditions of occupiers at 3 and 4 Parkmead with particular reference to outlook and loss of light. Whilst I find that the loss of light would not be significant, the proposal would exacerbate the amount of overshadowing that currently exists and, in my view, would result in unacceptable harm to the living conditions of residents at these neighbouring properties. Furthermore, I find for the reasons above, that the appeal scheme would be overbearing and would harm the living conditions for residents of 3 and 4 Parkmead with regards to unacceptable loss of outlook.
16. The Appellants have put it to me that a change could be made to the proposed scheme in respect of lowering the overall roof ridge height and have provided an amended drawing in this regard. The Procedural Guide, Planning Appeals – England clarifies that the appeal should not be used to evolve the scheme. Nonetheless, in my view whilst such an amendment may assist in reducing adverse impacts in respect of loss of light, given the substantial height of the proposed dwelling and its position at a higher land level than its neighbours at 3 and 4 Parkmead, the suggested reduction in overall height of the proposed dwelling by 400mm would not be sufficient to overcome my concerns regarding the dominating and overbearing effect the scheme would have on the residents at 3 and 4 Parkmead.
17. For the above reasons, the appeal proposal would conflict with Policy DE3 of the Local Plan which, as described above, seeks to ensure that development be designed such that it does not unduly impact on the amenity of neighbouring

uses. Furthermore, the proposal would be at odds with paragraph 130 (f) of the National Planning Policy Framework (July 2021) (the Framework) which advises that decisions should ensure that developments provide a high standard of amenity for existing and future users.

Planning Balance and Conclusion

18. The main parties agree that the Council cannot currently demonstrate a five year housing land supply. Paragraph 11(d) of the Framework provides that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
19. In the context of assessing the three objectives of sustainable development identified in the Framework, the economic benefits of the proposal would be very limited in terms of employment during the construction phase. Furthermore, the proposal would be located close to services and facilities such that future occupants of the proposed dwelling would not necessarily be dependent upon private vehicles in order to access facilities that may be required on a day to day basis. In terms of social benefits, the scheme would contribute towards the acknowledged shortfall in housing land supply. Whilst these benefits are positive in nature, the weight to be attached to those benefits is limited by the scale of the proposal.
20. Weighed against these benefits, I have found that the scheme would be harmful to the spacious character and appearance of the area and that the proposal would be significantly harmful to the living conditions of nearby residents. In my view, the harm arising from the proposal, and in particular the harm to residents' living conditions, would significantly and demonstrably outweigh the identified limited benefits of the scheme. Consequently, the appeal scheme is not sustainable development for which there is a presumption in favour of.
21. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR