



Appeal Decision

Site visit made on 8 March 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 28 March 2022

Appeal Ref: APP/X1165/D/22/3291944

25 Winstone Avenue, St Marychurch, Torquay TQ2 8DZ

- 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 Catherine Corner against the decision of Torbay Council.
 - The application Ref P/2020/1274, dated 14 December 2020, was refused by notice dated 12 January 2022.
 - The development proposed is a proposed two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Winstone Avenue is a residential cul-de-sac consisting primarily of two-storey semi-detached dwellings. With some exceptions, dwellings in the road generally have a similar spacing between each semi-detached block. This contributes to the street's planned pattern, giving it a suburban appearance of relatively low density and reasonable spaciousness.
4. The proposal would extend the property close to the edge of the plot, where it adjoins 27 Winstone Avenue. The extension's ridge and eaves lines are set lower than those of the existing house, with the aim of making it appear subservient to its host.
5. Nevertheless, as a result of its two-storey height, lack of set back from the existing front elevation and it occupying almost the full width of the gap between the side elevation of the host dwelling and the shared boundary with No 27, the extension would result in a terracing effect. The erosion of the gap between the appeal property and No 27, without any relief in the front elevation of the dwelling, would significantly reduce the spaciousness of the street scene. Furthermore, this would lead to a change in the street's pattern to one that is denser, with an unrelieved mass of building.
6. I have no evidence that the occupiers of No 27 currently seek to extend their property. However, were I to allow the appeal, it would be very difficult for the Council to then resist a subsequent proposal to extend that property towards the appeal site. There is therefore a very real prospect of a terracing effect being created, causing significant harm to the street's overall character.

7. I saw that other properties in the road have been extended, and my attention has been drawn to the two-storey extensions to 22 and 28 Winstone Avenue. I do not have the background to these cases before me, but the extension to No 22 appears similar in its width to the appeal proposal. However, I am told that this was approved in 2007 and therefore predates adoption of the current Development Plan in 2015 and 2019. Furthermore, the existence of this extension does not justify perpetuating the harm I have identified, by allowing a further full width two-storey proposal on the appeal site.
8. With regard to No 28, its position at the head of the cul-de-sac with space to its boundary with Combe Lane, means that terracing is less of a concern here. The single storey extensions that the appellant has also referred to, including that at 2 Winstone Avenue, still allow for space between properties at first floor level, and so do not have the same impact as this two-storey proposal.
9. I therefore conclude that the proposal would harm the character and appearance of the area, contrary to policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (adopted 2015) and Policy TH8 of the Torquay Neighbourhood Plan (adopted 2019) which together require that proposals must relate to the surrounding built environment, be of good quality design and have no adverse effects on the street scene, as does the National Planning Policy Framework.

Other Matters

10. I fully appreciate the significance of the proposal to the needs of the appellant's family, both now and in the future. However, planning permission runs with the land and is primarily concerned with the public interest, rather than personal circumstances. Although the proposals may result in less reliance by occupiers on the state in the future, I am only able to give limited weight to these matters.
11. After careful consideration, I do not consider that the benefits to the appellant's family would overcome the harm identified, particularly for a permanent extension that would remain long after such circumstances may have changed. I have also noted comments made about the Council's handling of the case, but this has had no bearing on my consideration of the planning merits of the appeal.

Conclusion

12. For the reasons given above, having considered the Development Plan as a whole and all other material considerations, the appeal should be dismissed.

Oliver Marigold

INSPECTOR