
Appeal Decision

Site visit made on 15 March 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2022

Appeal Ref: APP/X1165/D/21/3289026

17 Greenway Road, Galmpton, Brixham TQ5 0LT

- 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 Martin Cully against the decision of Torbay Council.
 - The application Ref P/2021/0515, dated 28 April 2021, was refused by notice dated 6 October 2021.
 - The development proposed is for alterations and extensions.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions at 17 Greenway Road, Galmpton, Brixham TQ5 0LT, in accordance with the terms of the application Ref P/2021/0515, dated 28 April 2021, subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the approved plans: 3896.P.AL.01 and 3896.P.AL.02 Revision C.
 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.

Main Issues

2. The main issues are the effect of the appeal proposal upon the character and appearance of the area, including the setting of the Galmpton Conservation Area; and its effects upon the living conditions of the occupants of 15 Greenway Road, with specific reference to outlook and privacy.

Reasons

Character and Appearance

3. The appeal site comprises a link-detached bungalow with 15 Greenway Road which both have a garage/outbuilding connecting the two on the shared boundary.
4. The site is adjacent to the eastern boundary of the southern leg of the Galmpton Conservation Area, the boundary for which is contiguous with the

highway edge of Greenway Road. The immediate built environment is of a mixed character comprising both vernacular architecture such as the Manor Inn Public House opposite, as well as more modern houses, chalet bungalows and bungalows.

5. The subject dwelling is on lower ground than the road and I noted from the driveway entrance, that the primary view over the garage/outbuildings is of the rear elevation of a bungalow at 9 Vale Close, along with the roofs of other dwellings located due south and south east. I accept that the proposed extension over the garage would reduce views of the countryside beyond, although these are reasonably long distance.
6. The hipped roof design and one and a half storey nature of the proposal would minimise the visual impacts of providing additional first floor accommodation and I consider it would not unduly dwarf no15. Furthermore I consider pursuant to paragraph 176 of the National Planning Policy Framework (the 'Framework'), that the proposal would enable the Torbay Area of Outstanding Natural Beauty's landscape and scenic beauty to be conserved.
7. Therefore in conclusion on this matter I find that the proposed extension would not be unduly bulky, considering its siting, scale and massing, along with its relationship to the attached neighbouring dwelling; it would not form an overly dominant or overbearing form of development which would protect the existing street scene and the setting of the Conservation Area, a designated heritage asset; in compliance with paragraph 130 of the Framework.
8. With regard to the Development Plan, I find that the proposal complies with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030 (adopted 2015) (TLP) and Policies BH5 and BH6 of the Brixham Peninsular Neighbourhood Plan 2012 – 2030 (adopted 2019) (BPNP) which together require development to be well designed, to respect and enhance Torbay's special qualities and specifically, where concerning domestic extensions, to ensure that the plot is large enough to accommodate it; not to dominate or have any adverse effects on the character or appearance of the original property, any neighbouring properties or on the street scene in general; including the conservation of Conservation Areas and their settings.

Living Conditions

9. I accept that the provision of the new rear dormer could give rise to a degree of overlooking of the rear garden of no15, however views of the immediate rear sitting out area would likely be oblique and ultimately in a residential area such as this, some degree of mutual overlooking is inevitable; which is also demonstrated by the properties to the east that have recently been extended. The scheme would enable the host dwelling to be extended broadly parallel to the shared boundary, although this would not be significantly so, and the existing recess created between the main ranges of both nos 15 and 17 would largely be maintained, along with the outlook from the former. Consequently I consider that no material loss of outlook to the occupants of no 15 would be caused and their privacy in the main would be protected.
10. I therefore find that by virtue of the siting, scale and massing of the proposed development above the existing garage, that it would not be unduly overbearing or result in a material loss of privacy to the occupants of no 15;

with the proposal complying with TLP Policy DE3, as well as BPNP Policy BH6 which require a good level of amenity of neighbouring properties when assessed against the criteria of visual intrusion, overlooking and privacy, whilst having particular regard to outlook.

Conclusion and Conditions

11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
12. Other than the standard time limit condition, the Council recommends that conditions are imposed that require the development to be carried out in accordance with the approved plans and that materials used in the construction of the extensions match those of the existing building. I consider that in the interests of the character and appearance of the area that these conditions are necessary.

C J Tivey

INSPECTOR