



Appeal Decision

Site visit made on 22 March 2022

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/X1165/W/21/3286961

The Bridge, Quentin Avenue, Brixham TQ5 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rowe against the decision of Torbay Council.
 - The application Ref P/2021/0358, dated 25 March 2021, was refused by notice dated 7 September 2021.
 - The development proposed is to create a new detached self-build dwelling in the south eastern portion of the garden.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposal is for outline planning permission. However, the application form indicates that approval is sought for all matters at this stage. I have, therefore, treated the submitted plans as a firm proposal.

Main Issues

3. The main issues are the effect on the character and appearance of the area, and the effect on the living conditions of the occupiers of neighbouring properties, with regard to privacy and outlook.

Reasons

Character and appearance

4. Quentin Avenue is a steep road with largely uniformly designed, two-storey houses arranged along its length. The road is straight and the houses follow this alignment, with others set broadly at a right angle along the bottom of the cul-de-sac. The Bridge differs, having a single storey, and sitting beyond the end of the highway, surrounded by high hedges.
5. The site is part of the garden of The Bridge that rises up from the dwelling. There are further houses on Gramercy Fields beyond the boundary opposite Quentin Avenue. These houses also have a similar design to one another, but differ from those on Quentin Avenue, with the notable inclusion of 'clipped' gables and half-dormer windows, although they are in a broadly parallel alignment to Quentin Avenue.
6. The uniformity of design and arrangement of dwellings relative to the street continues beyond Quentin Avenue and is evident across much of this part of Brixham. However, the steep topography also has a very strong influence,

affording a range of long and short views across the town. The consequence is that many dwellings are visible within the townscape. Beyond the immediate street, dwellings can be seen at various heights, with their roof planes at different angles, creating a varied roofscape.

7. The proposed dwelling would have a cranked floor plan. A single storey section would be parallel to those dwellings in Quentin Avenue and Gramercy Fields, but a two-storey element would not. However, while there would be glimpsed views between the Quentin Avenue houses, given its location away from any street frontage, it would appear as part of the varied roofscape across the town rather than as a jarring component of Quentin Avenue or Gramercy Fields.
8. The rear and side flank elevations would have no windows. This would present a fairly stark elevation to those entering the site, although this would be softened by the use of different materials on the gable and eaves elevations, and the first floor being inset from the ground floor. The access paths and parking arrangement would make the site legible. In any event, those more stark elevations would be barely visible from close-range public viewpoints so would cause no harm to the character and appearance of the area.
9. There would also be a significant amount of hard landscaping. However, given the location of the site, these features would largely be invisible in the wider townscape. For these reasons, I find that there would be no harm to the character and appearance of the area. There would, therefore, be no conflict with those aims of Policy DE1 of the Torbay Local Plan 2012-2030 (LP) or Policy BH5 of the Brixham Peninsula Neighbourhood Plan 2012-2030 (NP) that seek to ensure that development is well-designed, respecting and enhancing the surrounding area and Torbay's special qualities.

Living conditions

10. The proposal would utilise the topography of the site, with the two-storey element deployed on lower ground, limiting the overall height of the building. It would be lower than those adjoining dwellings on Quentin Avenue and Gramercy Fields.
11. No.4 Gramercy Fields has one small, obscure glazed, window in the gable end facing the site. No.3 has an obscure glazed 'half-dormer' window, that would be broadly aligned with the single storey section of the proposed dwelling. The nature of these windows is such that they do not have an outlook and the two-storey section of the proposal would be far enough away to avoid any significant loss of light to them.
12. No.3 also has a clear glass first floor window and conservatory below, but these principally look out across the main part of its own private garden, which spans the narrow edge of the appeal site, furthest away from the existing dwelling. The low height of the single storey section that would be alongside the boundary with No.3 is such that there would be no significant effect on the outlook from the ground or first floor windows of No.3, or its garden. Therefore, the living conditions of existing residents in Gramercy Fields would be preserved.
13. The proposal would not have a dominating effect on the outlook from the ground floor or gardens of the Quentin Avenue neighbours, as the outlook is already dominated by the high boundary hedge. The angled position of the

two-storey element would also reduce the presence of the proposed building such that it would not be overbearing upon their first floor outlook either.

14. However, first floor windows would be included that face towards rear windows in No.7. While set at an angle, to this neighbour, the distance is such that it would be possible to see from one dwelling into the private indoor living spaces of the other. Given the proposed design, the high hedge that currently exists along this boundary would safeguard privacy, but I have serious concerns over the enforceability of any condition requiring its retention, for the reasons set out below.
15. First, it would be difficult to precisely specify from where, and to, the height of a hedge should be measured. Second, the density of foliage is important. For example, while currently cut squarely at the top, a thinner profile of the same height may not provide a convincing screen. Third, I cannot be certain about the long-term health of the hedge and whether it can be maintained in perpetuity to provide an opaque screen. Finally, if any damage or loss were to occur, it could take some considerable time to re-establish privacy.
16. A solid structure on the boundary would give more certainty, but at the height required, this would have a harmful overbearing effect on the outlook. I, therefore, conclude that the proposal would lead to a harmful loss of privacy to the occupiers of No.7 and, due to the intervisibility, also to the occupiers of the proposed property.
17. Elevations without windows would face towards The Bridge. However, this would be seen in the context of numerous other side gable elevations in the locality and across the shared parking area. This shared area would provide sufficient distance that the form of the dwelling would not be overbearing on the outlook from The Bridge.
18. The loss of privacy to No.7 and reciprocal effects for future occupiers of the appeal site would result in a conflict with those aims of LP Policy DE3 that seek to provide a good level of amenity for future residents and not unduly impact upon that of neighbours.

Other Matters

19. The application site, defined on the location plan, includes Bridge House. It would appear that there is sufficient land available for issues surrounding the size of parking spaces, bin and cycle storage to be addressed. There is also reference to adverse effects on the Berry Head calcareous grassland, but in light of my decision on the appeal overall, I have not needed to consider whether this can be adequately mitigated.
20. I understand that the appellant may have been frustrated by difficulties contacting the Council while the application was being considered, and the length of time taken to determine it. However, this has little to do with the planning merits of the scheme before me.

Conclusion

21. While the proposal would not harm the character and appearance of the area, it would result in harmful living conditions. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR