



Appeal Decision

Site visit made on 19 April 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2022

Appeal Ref: APP/X1165/W/21/3285906

Ground Floor Flat, 100 Torquay Road, Paignton TQ3 2AA

- 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 Griffiths against the decision of Torbay Council.
 - The application Ref P/2021/0677, dated 14 May 2021, was refused by notice dated 13 October 2021.
 - The development proposed is re-construction of existing porch.
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Decision

1. The appeal is allowed and planning permission is granted for re-construction of existing porch at Ground Floor Flat, 100 Torquay Road, Paignton TQ3 2AA in accordance with the terms of the application, Ref P/2021/0677, dated 14 May 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 decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1624-21-101.
 - 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.
 - 4) Prior to any development other than demolition taking place, details of the design of the proposed windows and door including drawings at a scale of 1:10 shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Polsham Conservation Area.

Reasons

3. The Polsham Conservation Area (CA) includes a mix of property ages and styles. Around the church, properties tend to be older and positioned on the back edge of one side of the road. By contrast, the area in which the appeal site is located is characterised by later terraces and semi-detached and detached villas of red brick and stone with cream brick detailing. These are set back from the road so that they have front gardens behind stone boundary walls. The generous proportions of the buildings together with their traditional

detailing gives the area an elegant feel. There are a number of notable alterations and additions to some of the properties which are unsympathetic. Thus, insofar as is relevant to this appeal, I find the significance of the CA derives from the traditional architectural detailing and overall layout of the traditional buildings within it, which together with parks on two sides, gives the CA a spacious, green character with a more enclosed feel in the area around the church.

4. The appeal site forms one half of a pair of semi-detached properties set back from the main road behind an established evergreen hedge. Constructed of red stone, with red and cream brick detailing and two storey projecting bays to the principal elevation, the properties are typical of those found in the CA.
5. The existing porch to the side of the property is a lightweight glazed structure with a glass roof and a modern replacement front door. It is well set back on the side elevation, such that it presents as a subservient feature to the host building. It is located immediately adjacent to a two storey lean-to addition to the neighbouring property on the corner of Torquay Road and Courtland Road such that only the front elevation of the porch is visible from outside the site.
6. The property forming the other half of the semi-detached pair has a replacement porch to the side, constructed of UPVC over a rendered dwarf wall with a glazed roof. This is visible from the adjacent public park. However, due to their positioning at the respective sides of the properties, the two porches cannot be seen in the same view. In this respect, I find that the reconstruction of a porch on the host building in the same position and to the same dimensions as the existing would not affect the symmetry of the pair of semi-detached properties.
7. Being constructed of brick with a tiled roof, it would have a less lightweight appearance than the current porch. Having said that, the materials used would not be so dissimilar to the lean-to extension on the neighbouring property on the corner of Torquay Road and Courtland Road. It would not therefore appear incongruous in the street scene.
8. I have been provided with a copy of the Polsham Conservation Area Character Appraisal dated November 2008 (CAA). Paragraph 4.1.27 of the CAA refers specifically to the appeal site and the attached property. It refers to the materials of construction and the presence of a verandah on the front elevation of both properties. It makes no reference to the porches.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In this particular instance, I find that the existing porch is a negligible part of the contribution that the host building makes to the CA. Its replacement with a porch of the same dimensions and siting, being set well back into the site and screened from wider view to a large extent by the two storey lean-to extension of the neighbouring property, would have a neutral effect on the CA. This leads me to conclude that the character, appearance and significance of the CA as a whole would be preserved.
10. As such, I find no conflict with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030 insofar as they require that development is well-designed, does not have an adverse effect on the character and appearance of the

original property, neighbouring properties or the street scene and conserves and enhances the distinctive character and appearance of conservation areas.

11. In addition, I find no conflict with Policy PNP1(c) of the Paignton Neighbourhood Plan to 2030 adopted June 2019 which seeks to strengthen local identity by retaining features that make the location distinctive and ensuring development is in keeping with its surroundings. I also find no conflict with paragraphs 126, 134 and 199 of the National Planning Policy Framework with regards to the need for well-designed development and considering the effect on the significance of designated heritage assets.

Conditions

12. 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. The appellants set out in their grounds of appeal that the materials of construction would match those of the host building and I have imposed a condition accordingly. I have also imposed a condition requiring details of the windows and door to be submitted and agreed. In both instances this is to preserve the character and appearance of the CA.

Conclusion

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

Alison Fish

INSPECTOR