



Appeal Decision

Site visit made on 10 May 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 31 May 2022

Appeal Ref: APP/X1165/W/22/3290554

Tormohun Manor, Kents Road, Wellwood, Torquay, Devon TQ1 2NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr John Doble against Torbay Council.
 - The application Ref P/2021/0186, is dated 15 February 2021.
 - The development proposed is garage roof alteration – build new pitched roof to replace flat roof.
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Decision

1. The appeal is allowed, and planning permission is granted for garage roof alteration – build new pitched roof to replace flat roof at Tormohun Manor, Kents Road, Wellwood, Torquay, Devon TQ1 2NN in accordance with the terms of the application, Ref P/2021/0186, dated 15 February 2021, and the plans submitted with it, all received by the Council on 15 February 2021: Site Location Plan, DRG No SHT5 JD005 - Proposed Plan, DRG No SHT6 JD006 - Proposed Elevations, DRG No SHT7 JD007 - Proposed Elevations, DRG No SHT8 JD008 - Perspective View and DRG No SHT9 JD009 - Plan & Section.

Procedural Matters and Main Issues

2. At the time of my site visit, I saw that the proposed development had commenced and appeared to be completed. I also note from the application form that the application has been submitted retrospectively. I have dealt with the appeal on that basis.
3. Following the submission of the appeal against non-determination, the Council has not provided a statement of case. I note from the appellant's evidence that the appeal property is within the Lincombes Conservation Area and Kent's Cavern Scheduled Monument. Therefore, taking the above into account, along with my observations on site, I consider that the main issues are whether the development would preserve or enhance the character or appearance of the Lincombes Conservation Area and the effect of the development on the significance of the Scheduled Monument.

Reasons

4. Tormohun Manor is a large semi-detached property, finished in cream render and grey slate tiles. The property has large sash windows, with the ground floor windows floor to ceiling in height. The site is in a secluded position, at the end of a private driveway and is situated within mature gardens, at the top of a rocky hillside which falls away down to the east. Kent's Cavern Scheduled Monument is situated within the hillside and the caves run below the appeal

site. The development relates to an existing double garage situated in the rear garden of the property.

5. Whilst Tormohun Manor is not a listed building, it does have some architectural and historic merit and is mentioned in the Lincombes Conservation Area (CA) Character Appraisal (2002) as a building of 'considerable historic character'. Therefore, it is acknowledged that the appeal property makes a positive contribution to the character of the CA.
6. The materials, scale and design of the development are all appropriate to the character and appearance of Tormohun Manor. The French doors would complement the large sash windows in the main dwelling and whilst the pitched roof has increased the height of the garage, the garage would remain subservient to the main dwelling on the appeal site. The use of cream render and grey cement roof tiles would allow the development to tie in with the main dwelling. It is considered that the positive contribution that the appeal property makes towards the CA would be preserved.
7. I acknowledge that the development would be viewed from the east at the bottom of the hillside, but these would be glimpsed views, screened by the existing vegetation and at a distance. Furthermore, I consider the development to be of an acceptable design and would be seen in the context of the existing house, therefore it would not appear as incongruous.
8. In regard to the Scheduled Monument, the list entry¹ confirms that the scheduling excludes all of the buildings above the rock, which would include the appeal building. Therefore, given that the scheduling excludes the appeal building and on the basis that the development would be acceptable, I am satisfied that the significance of Kent's Cavern would be preserved by the development.
9. In view of the above, I conclude that the development would preserve the character and appearance of the Lincombes CA and would avoid harm to its significance. The significance of Kent's Cavern Scheduled Monument would also be preserved. The development would accord with paragraph 199 of the National Planning Policy Framework (2021) which states that great weight should be afforded to the conservation of designated heritage assets.
10. The Council has provided me with a copy of the Torquay Neighbourhood Plan (NP) but has not directed me towards any relevant policies of the NP. I note that Policy TH10 relates to the protection of the historic built environment, but this appears to relate specifically to Listed Buildings so would not be relevant.

Other Matters

11. The Council provided me with details of an area Tree Preservation Order which the site falls within². I am satisfied from the evidence before me and from my site visit that no protected trees would be affected by the development.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed, on the basis of the submitted plans.

¹ List entry No 1010745

² A.6 of Tree Preservation Order No TPO/73/14

Laura Cuthbert

INSPECTOR