



Appeal Decision

Site visit made on 3 May 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2022

Appeal Ref: APP/X1165/D/22/3290568

7 Cliff Park Avenue, Paignton TQ4 6LT

- 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 and Mrs Franklin Baker against the decision of Torbay Council.
 - The application Ref P/2021/0767, dated 18 June 2021, was refused by notice dated 6 January 2022.
 - The development proposed is conversion of garage to hobby room, first floor extension over forming dressing room and en-suite. Detached double garage with granny annexe over. Widening of existing pavement crossover.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage to hobby room, first floor extension over forming dressing room and en-suite. Detached double garage with granny annexe over. Widening of existing pavement crossover at 7 Cliff Park Avenue, Paignton TQ4 6LT in accordance with the terms of the application, Ref P/2021/0767, dated 18 June 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 plans: 1633-21-030B; 1633-21-031A and 1633-21-032.
 - 3) Notwithstanding the horizontal boarding, 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) The ground floor double garage of the building hereby permitted shall not be used at any time other than for the parking of vehicles or other purposes incidental to the main dwelling known as 7 Cliff Park Avenue.
 - 5) The annexe occupying the first floor of the building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 7 Cliff Park Avenue.

Preliminary Matters

2. I have used the postcode referred to on the Council's Decision Notice and appellant's appeal form as the one on the planning application form was incorrect.

Main Issue

3. The main issue in this appeal is the effect of the proposed double garage and granny annexe on the character and appearance of the area.

Reasons

4. Cliff Park Avenue consists of a mix of two storey detached and link-detached dwellings. The design and form of these dwellings and garages all vary incorporating the use of gable, hip and flat roof projections and asymmetrical pitch roofs. There is however some uniformity in the use of similar materials on the walls and roofs. The properties along the northern side of the road are set down below road level at varying distances back from the footway. By contrast, the appeal site is elevated above road level on the southern side of Cliff Park Avenue.
5. The host dwelling occupies a generous sized plot. Behind it, the land continues to rise such that the dwelling positioned immediately to the south is on higher land. This is accessed from a private drive which runs along the side boundary of the appeal site, parallel with Dartmouth Road. This is a well-trafficked road from which there are clear views of the appeal site when travelling in a southerly direction. The appeal site occupies a prominent location at the entrance to Cliff Park Avenue.
6. The double garage would be located in an area of garden to the side of the property. Although it would project further rearwards than the host dwelling, this would be towards the higher land occupied by the two storey dwelling to the south. In addition, the height would be the same as the proposed extension over the existing garage and as such, below the ridge of the main dwelling. It would project no further forward than the existing principal elevation of the host dwelling. Despite its comparatively large footprint relative to the main house, there would be sufficient space to accommodate it within the generous plot without the structure appearing cramped. As such, the double garage would not dominate the character or appearance of the main dwelling.
7. Aside from a small amount of horizontal boarding, the proposed double garage would be constructed in materials to match the host dwelling providing some assimilation with the host dwelling. However, the presence of two gable dormers in the roof and a higher eaves line at the rear than the front, would result in an asymmetrical roof form which would be different to the host dwelling. Nevertheless, given the mix of roof forms elsewhere in Cliff Park Avenue I do not find that this would result in the double garage appearing incongruous in the street scene.
8. Whilst the double garage would undoubtedly be visible from the approach southwards along Dartmouth Road, it would be well set back behind the wide verge along Dartmouth Road and the private drive serving the dwellings to the rear. It would be seen against the host dwelling and the one to the rear such that it would not appear dominant in the street scene.
9. In conclusion, the proposal would not harm the character and appearance of the area. I therefore find no conflict with Policies DE1 and DE5 of the Torbay Local Plan 2012-2030, Policy PNP 1(c) of the Paignton Neighbourhood Plan to 2030 adopted June 2019 and paragraphs 126 and 130 of the National Planning Policy Framework which, taken together and amongst other things, require that

proposals are well-designed respecting the character and appearance of the host dwelling and street scene and do not result in overdevelopment of the site.

Other Matters

10. The Council have no objection to the conversion of the existing garage to a hobby room and the first floor extension above to form a dressing room and en-suite nor the widening of the existing access. The extension would be of a modest scale set well back from the principal elevation of the host dwelling and the proposal to widen the access would not have an adverse effect on road safety. I therefore find no harm in respect of these two elements of the proposal.

Conditions

11. 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. In order to protect the character and appearance of the area, I have also imposed a condition requiring the external materials, with the exception of the horizontal boarding, to match the existing dwelling. I note that the Council's Officer Report refers to the need for conditions to ensure that the garage is only used for the parking of vehicles or other incidental residential uses and to ensure that the annexe is occupied as ancillary accommodation. I consider both these conditions are reasonable and necessary in the interests of highway safety and to safeguard living conditions.

Conclusion

12. The proposed development would adhere to the development plan and there is no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

Alison Fish

INSPECTOR