



Appeal Decision

Site visit made on 8 June by S. Wilson LLB, MSC, LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/X1165/D/22/3296478

27 Polsham Park, Roundham With Hyde, Paignton TQ3 2AD

- 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 R Florence against the decision of Torbay Council.
 - The application Ref P/2021/1321, dated 06 December 2021, was refused by notice dated 31 January 2022.
 - The development proposed is described as: 'Enlargement of existing driveway and pitch roof added to side extension.'
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Decision

1. The appeal is allowed, and planning permission is granted for enlargement of existing driveway and pitch roof added to side extension at 27 Polsham Park, Roundham With Hyde, Paignton, TQ3 2AD in accordance with the terms of application, Ref P/2021/1321, dated 06 December 2021 and the plans submitted with it, subject to the conditions set out in Schedule 1 below.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the appeal property and the surrounding area, and whether the proposal would preserve or enhance the character or appearance of the Polsham Conservation Area (PCA).

Reasons for the Recommendation

4. Polsham Park is an important exemplar of a garden suburb with its mix of terraced, semi-detached and detached houses, all with their own front and rear gardens or areas in their own plot. There is an almost complete survival of the street plan, ground plan and buildings as conceived by George Soudon Bridgman and this makes a substantial contribution to the special interest and significance of the PCA.
5. The Polsham Conservation Area Character Appraisal 2008 (PCACA) identifies that elements of special importance include the survival of boundary walls; integrated gate piers; and the number of visually important mature street trees. It lists the erosion of original boundary features, especially garden walls,

as an element of loss, damage or intrusion into the PCA. No 27 is the first of the detached houses along Polsham Park and the existence of its front garden is noted within the PCACA.

6. In relation to front boundary walls, car parking spaces and front gardens, the existing character of Polsham Park is varied. There are numerous examples of the removal of front gardens, their boundary walls and the formation of hardstanding for car parking, resulting in the loss of some historic features. There are a number of properties with a driveway and a front garden which retain a front boundary wall with gate piers and planting, which contribute positively to the character and appearance of the street scene. There are also properties with driveways and front gardens laid to hardstanding, which retain the front boundary wall, gate pier, and front boundary planting.
7. There appears to be no remaining original style of front boundary treatments, as these have mostly been lost. However, where front boundary treatments remain, they create an important separation of space between the public highway and private plots. This sense of space in front of dwellings is an important characteristic of the planned suburb and remains the dominant character of the front of properties in Polsham Park. The appeal property, with its drive to the side of the property, front wall and hedge and frontage tree, shares these characteristics and contributes positively to the PCA.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The appellants' tree report demonstrates that the tree on site would not be harmed by the proposed driveway development, subject to appropriate working methods and protection measures, which can be secured by condition. Furthermore, the appellants have stated that the hedge will be retained, which can also be secured by condition. The existing front boundary wall and pier are also to be retained. These important features of the PCA would therefore be unaffected by the proposals.
9. The loss of part of the front lawn and use of this space for parking cars would change the appearance of the front garden to some extent, however in this mixed street scene it would not appear incongruous, particularly as part of the lawn would be retained. I am also mindful that the lawn could be removed without permission. Furthermore, the sense of space at the front of the property would remain.
10. The Council have not raised any concerns regarding the pitched roof to the side extension and on the evidence before me I have no reason to disagree.
11. Therefore, the proposal would not result in the loss of features which contribute to the significance of the PCA. Consequently, it would not harm the character and appearance of the appeal property or the surrounding area and would preserve the character and appearance of the PCA.
12. The proposal would therefore comply with Policies DE1 and DE5 of the Torbay Local Plan (adopted December 2015) (Local Plan) which require, amongst other things, that the design of development should respect the character of the natural and built environment; and permit development that would not have adverse effects on the character and appearance of the dwelling or street scene. It would not conflict with Local Plan Policy SS10 which requires,

amongst other things, all heritage assets to be conserved. Furthermore, it would comply with the Paignton Neighbourhood Plan (2019) Policy PNP1(c) which requires, amongst other things, development to retain existing features that make the location distinctive and attractive and to respect design and landscaping.

13. Accordingly, I find no conflict with the heritage and design policies of the National Planning Policy Framework.

Conditions

14. In addition to the conditions set out above and the standard time period for commencement of the development, a condition is necessary to require the development to accord with the approved plans, to provide certainty and precision. Conditions to require use of matching materials and retention of the hedgerow are necessary to preserve the character and appearance of the street scene and the Conservation Area.
15. The tree report submitted sets out suggestions for the protection of the retained tree and the appropriate working methods but is not specific about what is to be done, how, and in what time period. Therefore, a condition securing these details is necessary to ensure the tree is suitably protected during the development of the driveway.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions set out in the following Schedule.

Scott Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is allowed subject to conditions.

L McKay

INSPECTOR

Schedule 1

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FLO-19-010; FLO-19-011.
- 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) No site clearance, preparatory work or development, other than in relation to adding the pitched roof to the side extension, shall take place until a scheme for the protection of the retained tree (T1 shown on plan FLO/19/010) and the appropriate working methods in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837 (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained tree shall be carried out as approved and the development shall be carried out in accordance with the approved working methods.
- 5) The hedge to the front boundary of the appeal property, as shown on plan No FLO/19/010, shall be retained and protected during all phases of the development hereby approved. Thereafter, the hedge shall be retained and maintained, and shall not be cut down, uprooted, or destroyed.