



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: 04 July 2022

Appeal Ref: APP/X1165/D/22/3296460

27 North View Road, Berry Head With Furzeham, Brixham TQ5 9TS

- 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 Dominic Ross Horn against the decision of Torbay Council.
 - The application Ref P/2021/0804, dated 2 July 2021, was refused by notice dated 1 February 2022.
 - The development proposed is described as: 'Removal and replacement of existing rear dormer with larger dormer, addition of roof lights and internal alterations.'
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Decision

1. The appeal is dismissed.

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 Brixham Town Conservation Area (BTCA).

Reasons for the Recommendation

4. The BTCA derives considerable significance from the relationship of the town to the harbour, both in built form and the fishing industry. Development on the slopes around the harbour follows the local topography and terraced houses in short or long rows characterise the building form of the 19th century town. The roofscape is a key characteristic of the town. The BTCA has in the past been formally 'at risk' due to much of it being in poor repair and subject to unsympathetic changes, particularly poor replacement windows in uPVC, loss of traditional materials, and oversize, often 'oversailing' dormers out of proportion to the buildings.
5. Nos 1 to 87 North View Road form the single longest unbroken terrace group in Brixham. Late 19th century, their multi-coloured façades and stepped roof lines, following the topography, are prominently visible from the north side of the harbour and the monumental terrace walling is a powerful presence. They have considerable value as a group; however, individually No 27 is notable for

being the sole representative of the group with its original joinery and glazing, which the Brixham Town Conservation Area Appraisal (BTCAA) considers superior aesthetically to any replacements along the terrace. Consequently, although it has lost its traditional slate roof covering, the appeal site makes a positive contribution to the group and to the CA as a whole.

6. North View Road has a number of large front and rear box dormer roof extensions, some of which have altered the ridgeline. They are mostly to one end of North View Road and generally exist in groups. There has been an almost total replacement of original timber windows with uPVC windows of various shapes and sizes, and unsympathetic materials used on roof extensions. This has resulted in the loss of traditional features and has diminished the contribution of the terrace to the BTCA.
7. The ridge height of the terrace moves with the topography and properties along it are arranged in groupings with the same ridge height, before the ridge steps up to the next group. The appeal property is part of the 21-33 grouping. Whilst there are large box dormers to the front and rear of No 29 that break the ridgeline, this is an isolated and incongruous feature in the grouping, as Nos 31 and 33 then have a lower ridge height before the step up to the next grouping starting at No 35. As the appellant identifies, the roof extensions to No 29 have therefore resulted in some harm through a break in the uniformity of the roof line.
8. The proposal would raise the height and position of the appeal property's ridge, creating a step up part-way along the terrace. The proposed ridgeline would be of similar height to No 29; however, I can see no benefit to creating symmetry with that property, as it would serve to emphasise rather than lessen the incongruity of the increased ridge height mid-terrace. It would not create a continuation of the existing stepped roofline following the underlying topography, which is so strongly characteristic of this part of the BTCA.
9. The terrace is highly visible from the north side of the harbour and the stepped ridgeline is an important factor in these views and in the contribution of the terrace at North View Road to the significance of this part of the BTCA. While seen from a distance, the proposed change in height would be noticeable, as it is on other properties in the terrace. Therefore, the proposal would alter the principal elevation of the dwelling and would interrupt the rhythm and pattern of the roof scape. As a result, it would have an adverse effect on the appearance of the host property, the whole terrace and this part of the BTCA.
10. Rear dormers are common in the area and therefore, in principle, would not be out of character. However, the proposed rear dormer would be substantially larger than the existing small dormer and would only be set in a small amount from the eaves and one side. Although smaller than the one at No 29, it would obscure much of the roof slope and project above the ridgeline, further eroding the simple roofscape of the terrace and dominating the roof of the host property. While the use of natural slate on both the main roof and the dormer would help it to integrate to some degree, it would not disguise its bulk and scale. Consequently, the proposed dormer would harm the character and appearance of the property and terrace.
11. The rear elevations of these properties contribute less to the BTCA than the fronts, as they are less visible due to rising ground levels. Nevertheless, the proposed rear dormer would be visible from Elkins Hill to the rear, as shown in

the appellant's photographs. Although not a key view within the BTCA, the rear roof is nonetheless be seen in the foreground of views towards the harbour. Given its scale the dormer at No 29 is already a noticeable feature in the otherwise simple roofscape, and the proposal would add a further detracting feature in those views, to the detriment of the character and appearance of the BTCA.

12. The windows proposed in the rear dormer would be of similar proportion to the traditional windows below but would be dark grey double glazed uPVC units and are not shown as sash windows. Although the original windows in the main house would not be altered, the use of non-traditional materials would result in additional harm to the character and appearance of the dwelling and this part of the BTCA. While there are many other uPVC windows in the area, these are noted in the BTCAA as having had a detrimental effect on the BTCA and do not justify further harmful development.
13. An effort has been made to match the alignment of the proposed front roof lights with the windows below, however they would be very large and of the style that opens up to form a balcony. While not as prominent as front dormers next door and in other parts of the terrace, nevertheless their size and form would be unsympathetic to the simple form of the dwelling, further eroding its contribution to the BTCA.
14. For the reasons set out above, the proposal would harm the character and appearance of the appeal property and the surrounding area, and features which contribute to the special interest of the BTCA. Consequently, it would not preserve or enhance the character or appearance of the BTCA and would not conserve the heritage asset in a manner appropriate to its significance.
15. 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. Given the relatively small scale of the proposal in relation to the wider conservation area, the harm to the significance of the BTCA as a whole would be less than substantial, but nevertheless of considerable importance and weight. The National Planning Policy Framework (Framework) requires that such harm be weighed against the public benefits of the scheme.
16. The proposal includes re-roofing the main roof with natural slate. Reinstating this traditional roofing material would be a public benefit of the scheme given the harm that unsympathetic modern materials have caused to the BTCA. I therefore afford this moderate weight. Biodiversity enhancements are proposed to be incorporated into the scheme, however as these would be small scale, I afford them very limited weight.
17. The proposal would improve accommodation for occupiers in size and quality, however this is a private benefit, not a public benefit. Overall, I find that the public benefits, both individually and cumulatively, do not outweigh the harm that would be caused by the proposed roof extension and alterations and use of unsympathetic windows.
18. Accordingly, the proposal would fail to comply with Torbay Local Plan (LP) (adopted December 2015) Policy SS10 which states, amongst other things, that development needs to sustain and enhance conservation areas. Nor would it comply with LP Policies DE1 and DE5 and Policies BH5, BH6 and BE1 of the

Brixham Peninsula Neighbourhood Plan (adopted November 2021) which collectively require high quality design that respects the character and appearance of the area and the original dwelling; and that dormers are subservient to the roofscape and use traditional materials and sympathetic windows.

19. The proposal would also conflict with the design and heritage policies of the Framework.

Other Matters

20. I note that initial advice from a planning officer indicated that raising the ridge of the appeal property would not be a concern. This was not the final decision of the Council however. For the reasons set out above, I have reached a different conclusion.
21. The appellant has referred me to other examples of rear dormers in North View Road. In the appeal decision at No 55 the Inspector noted that the proposal was only slightly larger than an already approved scheme; that the dormer could not be seen from North View Road; and that it did not break the roof line, such that it had no impact on the skyline and longer views which they noted were 'wholly protected'. Furthermore, the fenestration design was of favourable contrast to other rear dormers in the terrace.
22. At No 67 the Council noted the presence of significant dormers either side, and the proposed box dormer was considered acceptable in that context. At No 81, a scheme was granted for the widening of a rear dormer on the basis that rear dormers were a common feature and there were much larger dormers either side.
23. Likewise, permission was granted at No 49 due to the context of existing development. In that case the site was at the end of a grouping of properties adjacent to a step up in the terrace ridgeline. Its neighbour on the other side, No 47 had already raised its ridge. Therefore, No 49 would have been something of an anomaly. The Council specifically stated that the '...proposal would bridge the gap between the adjoining neighbouring properties' providing '...a more consistent appearance that better reflects the character of the area'.
24. From the information provided I find that these cases are therefore materially different to the scheme before me in terms of context, the relationship of the proposal to the host property and neighbouring dwellings and the extensions and alterations to them. Consequently, these other examples do not outweigh the harm identified or justify granting permission for the appeal proposal.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S. Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L. McKay

INSPECTOR