



Appeal Decision

Site visit made on 28 June 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/X1165/D/22/3292568

'Coniston' 21 Lawn Close, Torquay TQ2 8JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Richard Cash against the decision of Torbay Council.
 - The application Ref P/2021/1174, dated 15 October 2021, was refused by notice dated 24 December 2021.
 - The application sought planning permission for extension to west wing, demolition and reconstruction of east wing. New roof with raised ridge height to accommodate loft conversion. Construction of glazed link to annex, and demolition of existing garage (as revised by plans received 14 September 2021) without complying with a condition attached to planning permission Ref P/2021/0319, dated 16 September 2021.
 - The condition in dispute is No P1 which states that: "The development hereby permitted shall be carried out in complete accordance with the approved plans listed below..." (including 2015/26b; 2015/31a and 2015/32a)
 - The reason given for the condition is: "For the avoidance of doubt and to ensure a satisfactory completion of development."
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted for extensions and works to the host dwelling. This appeal relates to a revised design for those works principally including the installation of gable features to the front elevation in place of the approved dormer windows. A condition was imposed on the original permission specifying the approved plans. This appeal seeks to remove that condition and replace it with a condition specifying the plans that reflect the amended design. For ease, I have only referred to the plans which are relevant to this appeal in the banner heading above.
3. As such, the main issue in this appeal is the effect that the revised design would have on the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The host dwelling is a detached bungalow with hipped roof projections to the side and a small gable front porch. Located on a spacious corner plot, it is elevated above the road in a prominent position.

5. The Planning permission which has been granted includes a forward projecting gable to the front elevation of the host dwelling. The projecting gable provides a focal point on the front elevation with the other elements of this elevation, with lower roofs and smaller dormer features, appearing subservient.
6. By contrast the appeal proposal consists of three gables on the front elevation. Whilst the central gable is higher and projects further forward than the two either side, they all compete visually with each other. The result is that the prominence of the central gable as a feature is lost. The elevation appears fussy and over complicated. This would detract harmfully from the relative simplicity of the host dwelling.
7. Moreover, this is at odds with the treatment of the principal elevations of the other properties in Lawn Close. The bungalows in the immediate environ are generally of a simple appearance although some have a single storey projecting gable to the front elevation. The principal elevation of the two storey dwellings elsewhere on Lawn Close generally present as a gable. In essence, the other properties on Lawn Close have a single gable feature to their front elevation in stark contrast to the appeal proposal.
8. Although not adding much in the way of built form to the building, the addition of two further gables on the front elevation would significantly increase the visual mass of the building. This, together with its prominent positioning on land elevated above the road, would result in a development which competes with, rather than integrating into the surrounding development. As such, I find that the proposal would be harmful to the character and appearance of the area.
9. My attention has been drawn to the design rationale for the proposal and other similar developments in the locality. The appellant is seeking to provide a sustainable and energy efficient home through a contemporary re-face of the existing dwelling. I accept that the use of contemporary materials and detailing could help to raise the standard of design more generally in the area as set out in paragraph 134 of the National Planning Policy Framework (the Framework). However, paragraphs 130 and 134 of the Framework are clear that innovation and high levels of sustainability should not be at the expense of the surrounding built environment and its character.
10. I have taken into account the Torbay Council Urban Design Guide adopted Supplementary Planning Document dated May 2007, insofar as it relates to the appeal, but nothing I have seen would lead me to conclude differently in respect of the harm I have found to the character and appearance of both the host dwelling and the area.
11. I conclude that the proposal is contrary to Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 and TH8 of the Torquay Neighbourhood Plan to 2030 made June 2019 insofar as they permit extensions to dwellings provided they acknowledge local character, the surrounding built environment, integrate with the existing street scene and do not dominate or have other adverse effects on the character and appearance of the original property.

Other Matters

12. There is nothing before me to indicate that the proposal would have an adverse effect on the living conditions of neighbouring occupiers, on parking and local

highway conditions or in respect of biodiversity. I have no reason to doubt that it would provide good quality living conditions for occupants of the appeal property. However, these considerations are effectively neutral rather than weighing in favour of allowing the appeal.

Conclusion

13. The proposed development would be contrary to the development plan and there are no other matters which outweigh this finding. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR