



Appeal Decision

Site visit made on 12 July 2022 by R Dickson BSc (hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/X1165/D/22/3298640

49 Manscombe Road, Cockington With Chelston, Torquay TQ2 6SU

- 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 J Parnell against the decision of Torbay Council.
 - The application Ref P/2021/1202, dated 25 October 2021, was refused by notice dated 22 February 2022.
 - The development proposed is rear extension and first floor dormer extension.
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Decision

1. The appeal is allowed and planning permission is granted for rear extension and first floor dormer extension at 49 Manscombe Road, Torquay TQ2 6SU in accordance with the terms of the application, Ref P/2021/1202, dated 25 October 2021, 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: 2021.MR09.02A and 2021-MR09-LOC except in respect of the materials on the dormer extension shown on plan 2021.MR09.02A.
 - 3) The materials to be used in the construction of the external surfaces of the proposed rear extension and dormer extension hereby permitted shall match those used in the existing building.

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 host dwelling and area, and on the living conditions of the occupiers of neighbouring properties in respect of outlook and privacy.

Reasons for the Recommendation

Character and Appearance

4. Manscombe Road and neighbouring roads, including Broadpark Road and Broadley Drive, are wide, open streets characterised by use of a small number of regular house types. 49 Manscombe Road is set back from the road at the

junction with Broadpark Road and is highly visible from both roads. No 49 and its attached neighbour share a pitched roof and have a simple symmetrical design found throughout this and surrounding roads. Many dwellings in this area have either original front dormers or added dormer extensions. These are so common that they now form part of the character of the wider area.

5. The proposed dormer extension would extend nearly the length of the existing property and would constitute a large addition to the roof. Although it would be only slightly set in from the eaves and the sides of the roof, it would be set well below the ridge, so would sit comfortably within the extensive roof slope. As a result, it would appear subservient to the main dwelling and not unduly dominant in the roof slope. Nor would it be so large as to appear overbearing when seen from Manscombe Road. While the roof form across the pair would no longer be symmetrical, the positioning of the dormer would still allow the original form of the property to be read, and therefore would not harmfully unbalance the pair.
6. Some similar houses on Manscombe Road have remained largely unchanged, however this is a house type found throughout this and surrounding roads, many of which have side dormers of various sizes either on one or both properties in the pair. The scale of the dormer would be consistent with other examples close to the appeal site and in nearby streets, so would not look out of character with the wider area or incongruous in this context, nor would it be seen as over development. Therefore, the absence of change on Manscombe Road does not justify dismissing this appeal.
7. While coloured uPVC weatherboarding can be found near to the appeal site, it is not common on Manscombe Road. The proposed light grey uPVC weatherboarding for the dormer would be a marked contrast with the existing roof tiles. Therefore, those materials would not be in keeping with the host property or others on Manscombe Road and would draw undue attention to the proposed dormer extension. In order to give the proposed dormer a more recessive appearance, matching materials to the existing dwelling could be used, as suggested by the Council, which would maintain the character and appearance of the host dwelling and area. This can be secured through an appropriately worded condition.
8. The rear extension would replace the existing conservatory. It would not easily be seen from either Manscombe Road or Broadpark Road, and while views are possible from Chiltern Close, its limited size and use of matching materials would ensure that it would not be out of character with the host dwelling or area. Given the small size of the proposed rear extension and the subservient nature of the proposed dormer, the proposal would not constitute overdevelopment of the site.
9. Accordingly, the proposed development would not harm the character and appearance of the host dwelling and area. It would therefore accord with Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (Local Plan), and Policy TH8 of the Torquay Neighbourhood Plan (2019) (Neighbourhood Plan) insofar as they require good quality design. There would also be no conflict with the design policies of the National Planning Policy Framework.

Living Conditions

10. The appeal property is set at an angle to 47 Manscombe Road. While the proposed dormer would be visible from the side of No 47 and its front garden and drive, it would be significantly smaller than the roof slope as a whole. Consequently, and given the angle and distance between the properties, it would not have an overbearing impact when seen from that neighbour.
11. The proposed dormer would have two windows on the side elevation and a window on the front elevation. The two side windows are proposed to be obscure glazed, however even if the windows were not, they would face parts of the neighbouring property that are already clearly visible to public view. Consequently, given the orientation of the appeal property in relation to No 51, the windows would not give rise to harmful overlooking. A condition to require them to be obscure glazed is not therefore necessary.
12. The front window would also not give rise to any material increase in overlooking of the neighbour opposite, given the presence of an existing first floor window on the front elevation.
13. Accordingly, the proposal would not harm the living conditions of neighbouring properties in respect of outlook and privacy. It is therefore in accordance with Policy DE3 of the Local Plan, which seeks to ensure developments do not impact on existing living conditions.

Other Matters

14. The LPA has brought my attention to a previous dismissed appeal¹ at No 45 for a first-floor extension with dormer roof, to which I have had regard. I have not been provided with the plans for that scheme and note that it dates from 2015. It was therefore considered under a previous development plan, and as the decision was issued some years ago, there may have been changes to the area since that time. I consider that in the context of surrounding dormers of similar scale, the proposal would not appear incongruous and have therefore reached a different decision to the previous Inspector based on the information before me and having considered the proposal on its own merits.

Conditions

15. In addition to the standard time period for commencement of the development, a condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. As discussed above, a condition securing matching materials for both the rear extension and dormer extension is necessary to ensure the proposal is in keeping with the character and appearance of the area.

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 conditions.

R Dickson

APPEAL PLANNING OFFICER

¹ APP/X1165/D/14/2229664

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