

Appeal Decision

Site visit made on 8 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd September 2022

Appeal Ref: APP/X1165/D/22/3298428

8 Furrough Cross, Torquay TQ1 3SE

- 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 Nick Hayman against the decision of Torbay Council.
 - The application, Ref. P/2021/1341, dated 13 December 2021, was refused by notice dated 1 March 2022.
 - The development proposed is a loft conversion with a rear dormer extension and roof lights to the front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling, the terrace within which it is located and the St Marychurch Conservation Area as a whole.

Reasons

3. The appeal proposal follows an earlier scheme for a first floor rear extension which was refused by the Council and dismissed at appeal. The plans for the development now proposed show a flat roofed dormer that essentially occupies the full width and depth of the existing rear roof plane. In addition there would be a much smaller dormer on the front.
 4. Whilst I appreciate that the proposed rear dormer would facilitate the loft conversion by providing the requisite internal ceiling height and windows for outlook and light, I consider that its large scale and bulky form would dominate the rear elevation and this section of the terrace. Even if the principle of a roof extension were to be considered acceptable in a terrace for the most part retained in its original form in a conservation area, the dormer would need to be set in at the sides, down from the ridge and up from the eaves in order to comply with the policies of the Council and the Government's National Planning Policy Framework 2021 ('the Framework').
 5. With its rearward position the dormer would be less visible from the public realm, but in a conservation area the inter-visibility with other properties and nearby terraces is a constraint that forms part of the statutory requirement for development proposals to have regard to the need to preserve or enhance the
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conservation area's character and appearance and ensure its significance is not diminished.

6. In this case, because the dormer would be of an excessive size and poor design, the proposal would not satisfy these requirements. The Council has also objected to the front dormer, but whilst front roof extensions are not part of the original character of the terrace I consider that because of its small size and traditional design, this part of the proposal would be acceptable - especially as there is already a front dormer at No. 14.
7. However, this does not outweigh the harm caused by the rear dormer which I conclude would have a harmful effect on the character and appearance of the host dwelling, the terrace within which it is located and the St Marychurch Conservation Area as a whole. This would conflict with Policies DE1, DE5 & SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.
8. Section 16: 'Conserving and Enhancing the Historic Environment' of the Framework states that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset (in this case the conservation area), this harm should be weighed against any public benefits of the proposal. However, in this case these would be limited to a relatively modest economic effect from the construction of the extension and loft conversion and this would not outweigh the harm that I have identified.
9. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR