

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: 15 September 2022

Appeal Ref: APP/X1165/D/22/3298687

Winborn Cottage, 58 Roundham Road, Paignton TQ4 6DS

- 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 Robbie Winborn against the decision of Torbay Council.
 - The application, Ref. P/2202/0050, dated 13 January 2022, was refused by notice dated 24 March 2022.
 - The development proposed is a single storey extension, reworks to interior layout & associated landscaping.
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Costs Application

1. An application for an award of costs was made by Mr Robbie Winborn against Torbay Council. This is the subject of a separate Decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the character or appearance of the Roundham and Paignton Harbour Conservation Area, a designated heritage asset.

Reasons

4. The appeal scheme seeks to add a single storey rear extension with a balcony, that combined with the elevated siting of the dwelling would afford views over bay. For the appellant it is argued that the structure would replace two existing extensions that are not part of the original building and in any event, despite being thatched, are of poor quality. By way of contrast, the proposed addition would be of high standard and be seen only to a very limited extent from the public realm – this being demonstrated by half a dozen photographs of the existing building from aspects on all sides of the building.
 5. However in my assessment, and as regards the addition being seen, the dwelling itself is highly prominent because of its elevated position close to the seafront and harbour. I acknowledge that as a single storey the proposal would for the most part not be visible. On the other hand the balcony and incidental paraphernalia that facilitates its use would be seen from the vantage points illustrated in several of the images within the appeal statement.
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6. Bearing in mind the dwelling's coastal position and that any views would be more glimpses than those that draw the eye, I do not consider that this public perception would be perceived as incongruous or harmful. However, the more salient point is that made by the officer in email correspondence with the appellant's architect. This is that the effect of development on the significance of the Conservation Area as a heritage asset relies on more than elements that can be seen from the public realm. It additionally embraces the erosion of all features that make a positive contribution to its character or appearance and their replacement by less sympathetic alterations and additions, irrespective of their prominence or visibility.
7. In this case I consider the combination of the contemporary balcony design and the full height glazed French Doors would appear unsympathetic to the existing building. The development would represent an unacceptable imbalance between on the one hand the appellant's understandable desire to take advantage of the seaward outlook, and on the other hand the need for a scheme that would maintain the important contribution of a traditionally designed 'key building' to the conservation area.
8. Accordingly, the proposed development would fail to preserve the character and appearance of the Harbour Conservation Area and have an incrementally adverse effect on its significance. As such it would be in harmful conflict with Policies DE1, DE5 & SS10 of the adopted Torbay Local Plan 2012-2030; Policy PNP1(c) of the Paignton Neighbourhood Plan, and Section 16 of the National Planning Policy Framework 2021.
9. As regards the latter, the proposal would result in less than substantial harm to the significance of the designated heritage asset. However, in my view there would be no public benefit in this case that would outweigh the harm caused.
10. For the reasons explained, the appeal is dismissed.

Martin Andrews

INSPECTOR