



Appeal Decision

Site visit made on 27 September 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/X1165/D/22/3302886

71 Walnut Road, Torbay, Torquay, TQ2 6HU

- 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 & Miss Steven & Demi Frost & Keenan against the decision of Torbay Council.
 - The application Ref P/2022/0436, dated 5 April 2022, was refused by notice dated 13 June 2022.
 - The development proposed is conversion and enlargement of existing domestic store and workshop for use as ancillary residential accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Chelston Conservation Area (CA);
 - the effect of the proposed development on the living conditions of occupiers of 73 Walnut Road and of the proposed development, with particular regard to outlook, light and privacy; and,
 - the effect of the proposed development on car parking provision.

Reasons

Character and appearance

3. The appeal property is a 2 storey house within a terrace of 9 houses. The terrace is identified in the Chelston Conservation Area Character Appraisal (2005) as an important building group that makes a significant contribution to the townscape because of its largely unspoilt frontages. Features that particularly contribute to the character and appearance of the terrace include the rough coursed red sandstone walls, yellow brick window and door surrounds and the varied slate roofscape with decorative clay ridge tiles and large chimneys.
4. A service road allows views of the rear of the terrace from St Mathews Road on the approach to the junction with Walnut Road, and at the appeal site end from steps providing a pedestrian link between Walnut Road and St Mathews Road. Outrigger wings extend back from the rear of houses to the edge of the service

road. Their gable ends create a back wall along the service road with gates between them providing rear courtyard access. Several of these outriggers are single storey and step down from a 2 storey wing, others are 2 storeys along their full length. These rear elements share some of the features from the terrace frontage that contribute to its character, such as slate roofs, decorative ridge tiles, yellow brick window surrounds and red sandstone walls. Although the rear of the terrace is less important than the frontage it provides some interest and contributes to the appearance of the area and therefore the CA.

5. The existing workshop building is unique within the terrace in that it does not extend back from the rear of the house. Instead, it's main elevation runs along the edge of the service road with its rear wall facing into the appellant's courtyard. From the access road it looks like a separate outbuilding serving, rather than being part of, the main house. It has a metal garage door that opens onto the service road but otherwise shares common features with other rear buildings that I have described above.
6. Whilst the proposed development would incorporate those important features, it would involve raising the roof and adding dormer windows. The garage door would be replaced with a front door with long vertical windows either side. This would transform the appearance from that of an outbuilding to a residential property, albeit it is only intended as office space and ancillary accommodation. Introducing what appears to be a residential frontage onto a rear service road would be out of character and appear incongruous. Although the building has a slightly higher roof than the single storey outriggers that back onto the lane, raising it further would exaggerate the difference between them and draw attention to the proposed development. Furthermore, I saw no dormer windows along the rear of the terrace and as such they would appear out of character and add to the harm that I have identified.
7. Given the small scale of the development within the context of the CA as a whole, it would not harm its character. There would however be harm in terms of its appearance. The harm would be limited and thus less than substantial but would nevertheless be contrary to Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030 (2015) (LP) and Policy TH8 of the Torquay Neighbourhood Plan (2019) (NP) which seek good quality development that conserves or enhances the character and appearance of Conservation Areas.
8. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the National Planning Policy Framework, I must weigh the harm against the public benefits of the proposal. There would be modest benefits arising from short term employment during its construction. However, such benefits would not outweigh the harm to the appearance of the area and consequently the CA.

Living conditions

9. No 73 has a 2 storey rear wing that extends back to the access lane and has a narrow courtyard between it and the side boundary with the appeal site. Windows on the ground floor face the courtyard and boundary wall which significantly restricts access to daylight and sunlight to, and provides a limited outlook from, them. The boundary wall also causes overshadowing in the courtyard. The first floor windows overlook the appellant's courtyard and one is located directly opposite the gable end of the workshop. Currently the workshop roof is low enough to allow some views across the top of it. However, the

proposed increase in height would mean that the gable end and roof would dominate views and restrict daylight to that room. The second window would be level with the proposed roof windows and would lead to mutual loss of privacy.

10. I conclude on this issue that the impact of the proposal on the rear ground floor rooms of No 73, and its courtyard, would be limited. However, in combination with the loss of outlook and daylight from the first floor rear window nearest the building and the potential for loss of privacy between both properties, I consider that the living conditions of occupiers of No 73 and of the proposed building would be harmed to an unacceptable degree. The proposal therefore conflicts with Policy DE3 of the LP which requires development to provide a good level of amenity for future occupiers and not have an adverse effect on the amenity of neighbours.

Parking provision

11. The existing building is a workshop and store. Its conversion to an office and ancillary accommodation would not therefore lead to the loss of an off street parking space and thereby increase pressure for on street parking. The proposal does not therefore conflict with Policy TA3 of LP and Policy TH9 of the NP which require that development should not result in a net loss of parking provision which could lead to conflict.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR