



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/22/3303776

Meadlands, York Road, Torquay, TQ1 3SG

- 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 Haines-Nut against the decision of Torbay Council.
 - The application Ref P/2022/0470, dated 19 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is replacement conservatory.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the St Marychurch Conservation Area

Reasons

3. The appeal site is one of four large villas identified in the St Marychurch Conservation Area Appraisal (2005) as making a significant contribution to the townscape because of their architectural importance. Features of importance noted in the appraisal and found on the appeal property include its symmetrical frontage, hipped roofs, projecting front gable, sash windows, and panelled front doors recessed behind a classical porch. Three of the villas, including the appeal property, are set behind a stone wall with mature trees along its length which limit views of them to gaps in the vegetation and at the driveway entrances.
4. The conservatory that would be replaced is substantial. It sits on a base and comprises 2 bays either side of a recessed central section with doors opening out onto steps down to the garden. Although it is not an original structure it is an attractive addition that complements the building, albeit it needs some repair. Its wooden frame has some fine details which cannot not be properly replicated in a PVC structure, including arched window bars, finials on the end of the bay roof ridges and architrave detailing. The proposed PVC replacement would lack the sympathetic materials and quality of design of the existing conservatory and would therefore harm the appearance of the building and thus the CA. I note that PVC windows are prevalent within the area, such as on the flats that back onto York Road close to the appeal site and on older terraced housing further along the road. However, as noted above, the appeal property is identified as being important to the CA despite being mostly screened from public view.

5. 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 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.
6. 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 the improved energy performance of the structure. However, such benefits would not outweigh the harm to the appearance of the area and consequently the CA.

Conclusion

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

P D Sedgwick

INSPECTOR