
Appeal Decision

Site visit made on 27 October 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/X1165/W/22/3301096

21 New Street, Paignton TQ3 3HL

- 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 Claire Preece against the decision of Torbay Council.
 - The application Ref P/2021/1028, dated 6 September 2021, was refused by notice dated 17 December 2021.
 - The development proposed is existing terraced house single dwelling conversion to three dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal provides an acceptable type of residential accommodation.

Reasons

3. The proposal would result in the formation of three flats from an existing single dwelling house, resulting in a development that is resisted, especially within community investment areas, under Policy SS11 of the Torbay Local Plan 2015. The appellant has referenced a number of other applications, contending that the Council has set a precedent that allows for such development. However, the full details of these other applications are not submitted with the appeal. Consequently, I cannot determine that they are wholly relevant or that they represent a material consideration in support of the proposal.
4. Overall, the proposal would not provide an acceptable type of residential accommodation and would conflict with Policy SS11 of the Torbay Local Plan 2015, which among other things resists the change of use from medium sized dwelling houses into small self-contained flats. In light of my assessment of the other applications referenced by the appellant, there are no material considerations indicating that a decision should be taken otherwise than in accordance with the development plan on this main issue.

Other Matters

5. Whilst the Council reference the DCLG technical housing standards document, it has not been provided with the appeal to substantiate their contentions about the internal space standards associated with the first floor and second floor flats of the proposal.

6. Similarly, the appellant provides a table within their statement, but it is unclear where the table is derived from as no formal guidance documents have been submitted in support of their appeal. Altogether, there is very limited evidence submitted by either party on this matter and it is difficult to draw definitive conclusions. However, as I am dismissing the appeal for reasons relating to the type of residential accommodation, it is not necessary to seek further comments from the parties or probe the matter further.
7. The site is within Old Paignton Conservation Area, and I am mindful of statutory duties under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which I give considerable importance and weight. As I am dismissing the appeal for other reasons, the character and appearance of the conservation area would be preserved by my decision. There is no evidence suggesting that the proposal would enhance the character and appearance of the conservation area, and it has not been necessary to probe the matter further.

Conclusion

8. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR