



Appeal Decision

Site visit made on 1 November 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/X1165/D/22/3304542

Mayfield, Rock End Ave, Torquay TQ1 2DR

- 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 and Mrs R Hughes against the decision of Torbay Council.
 - The application Ref P/2022/0015, dated 21 December 2021, was refused by notice dated 13 May 2022.
 - The development proposed is proposed extension of roof to form rooms in roof including alterations to existing (all as drawings) (variation to consent P/2019/0017).
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Decision

1. The appeal is allowed and planning permission is granted for proposed extension of roof to form rooms in roof including alterations to existing at Mayfield, Rock End Ave, Torquay TQ1 2DR in accordance with the terms of the application, Ref P/2022/0015, dated 21 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1837/18A and 1837/19.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. I have removed the wording from the description of development in my decision that does not refer to an act of development.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area including Lincombes Conservation Area (CA).

Reasons

4. Lincombes CA is situated on a limb of high ground that extends east and north of Vane Hill. The CA is a designated heritage asset as defined in the National Planning Policy Framework (the Framework). Its significance, in part, derives from the 19th century terraces and villas against a backdrop of steep hillsides covered in vegetation, which emulate an atmosphere akin to the Mediterranean Riviera. Rock End Avenue lies within the southern extent of the CA, but within the setting of predominately low-density 20th century residential development.

The appeal property is a detached bungalow located alongside Rock End Avenue. The property backs on to Collingwood Close, which lies on higher ground compared to the appeal property and serves other residential development.

5. The properties alongside the northern edge of Rock End Avenue are mainly bungalows and chalet style bungalows. However, within the wider locality there are a variety of styles of buildings contributing to a reasonably varied built vernacular, including two storey houses. These elements, which include varied roof designs, strongly influence the character of the area.
6. The proposal would extend the main roof upwards and introduce a projecting gable feature on the principal elevation. Although there is a predominance of hipped roof structures, as observed during my site visit, there are a range of dormers and gable features also present on buildings alongside the street.
7. The roof design with fluctuating ridge heights, stepped and hipped gables, would help to break up the bulk of the extension. The gable feature proposed on the principal elevation is not unlike forward facing gable features that are evident within the local area. From positions within the street to the west of the site, views of the proposal would be partly obscured by the northwest side neighbour, and the southeast side neighbour, which sits higher, forms part of its backdrop. From other positions, whilst the extension would mean the dwelling would appear taller than the neighbour to the northwest side, it would not be dominant, and it would sit comfortably in the street scene.
8. Given the various roof structures, designs and styles of houses, the siting, scale and design of the extension would not look out of place. Rather it would be in keeping with the local building vernacular and represent a minor addition to the overall townscape. I find that this would have an acceptable impact on the character and appearance of the area, and I am satisfied that its siting, scale and design would be congruent.
9. As the appeal site is within the CA, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The proposed extension within the context of 20th century low density residential development would not materially impact on the significance of the CA. As there would be no harm to the character or appearance of the CA, even when attaching great weight to the importance of the heritage asset, the details of the development would be acceptable, and the scheme would comply with the requirements of the Framework in this regard.
10. In terms of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal preserves the character and appearance of the street and the wider CA.
11. The main parties have referred to a previous planning permission at the appeal property. Although the proposal, which is subject of this appeal, would be bigger than the proposal that is subject of the previous planning permission, I find the proposed development acceptable.
12. Therefore, I conclude that the development would not harm the character or appearance of the surrounding area including the CA. The proposal, in this regard, complies with Policy DE1 of the Torbay Local Plan (the LP), Policy TH8 of the Torquay Neighbourhood Plan and the Framework, which amongst other

things requires that development is well-designed, respecting local character. The proposal also complies with Policy SS10 of the LP, which amongst other things requires heritage assets to be conserved, proportionate to their importance.

Other Matters

13. The main outlook from proposed new openings for the development would be over the front and rear garden areas of the appeal property. Although the proposal would increase the height and mass of the dwelling, due to its position in relation to its neighbours and relationship with its boundaries, it would have a negligible impact on daylight and outlook enjoyed by the neighbouring occupiers. Therefore, the proposal would have an acceptable effect on the living conditions of existing occupiers, with particular regard to outlook, daylight and privacy.

Conditions

14. In addition to the standard time condition, I have specified the approved plans in the interests of certainty. In order to protect the character and appearance of the existing building and the surrounding area, I have also imposed a condition requiring that materials to be used in the construction of the proposed development match those of the existing building.

Conclusion

15. The development would accord with the development plan and the Framework. As such, for the reasons given above I conclude that the appeal should be allowed.

J White

INSPECTOR