
Appeal Decision

Site visit made on 3 February 2023

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/X1165/D/22/3304584

1 Seaton Close, St Marychurch, Torquay TQ1 3UH

- 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 D'Aprano against the decision of Torbay Council.
 - The application Ref P/2022/0400, dated 27 March 2022, was refused by notice dated 8 June 2022.
 - The development proposed is first floor extension over existing single storey element.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The site is located at 1 Seaton Close, which includes a dwelling that is detached and two storeys in height. There is variation in the scale of the dwelling to the extent it presents with interesting proportions and sits comfortably on the plot. Consequently, whilst the ground floor is considerably larger than the first floor, this is a positive feature of the dwelling's design.
4. In this context, the proposal would extend the single storey side extension facing Lyme View Road and add a second storey. This would make the side extension a similar height to the ridgeline of the main dwelling. In combination with other extensions granted planning permission at the site¹ the proposal would result in a significant increase in the overall scale of the dwelling to the extent that it creates a dwelling of dominant proportions that looks cramped on the plot.
5. Even accepting the appellant's argument that there is an appreciable degree of variation in the design of dwellings within the local area, and that the existing dwelling is uncharacteristic in this regard, it is still important to consider the effect of the proposal on the original dwelling in and of itself. As such, there would still be a piecemeal and harmful accumulation of extensions to the original dwelling at the site, irrespective of the prevailing context of the street scene.

¹ P/2020/0228 and P/2020/0755

6. Overall, the proposal would harm the character and appearance of the area and conflict with Policies DE1 and DE5 of the Torbay Local Plan 2015 and Policy TH8 of the Torquay Neighbourhood Plan 2019. Among other things, these policies set out that extensions to domestic dwellings will be permitted where the extension would not dominate or have other adverse effects on the character or appearance of the original dwelling.

Other Matters

7. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on decision makers to consider relevant directives and whether there is a reasonable likelihood of European Protected Species being present and affected by development. I am mindful of guidance² which states that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
8. In this context, there is limited evidence from either party in relation to the reasonable likelihood of European Protected Species being present and affected by the development. However, as I am dismissing the appeal on the basis of character and appearance and subsequent conflict with the development plan, there is no prospect of development affecting European Protected Species and it is not necessary to make a finding either way as it would make no difference to my decision.
9. Whilst the appellant has addressed the potential for overlooking within their appeal statement, it is not a matter in dispute with the Council and has not been determinative under the appeal.
10. I acknowledge that home working has increased due to the pandemic. However, it is not clear why the existing dwelling is suboptimal for this purpose or that this should legitimately weigh in favour of the proposal, to the extent that it would overcome conflict with the development plan in relation to character and appearance.

Conclusion

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

Liam Page

INSPECTOR

² Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system