



Appeal Decision

Site visit made on 21 March 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/X1165/W/22/3308162

13 Cliff Road, Torbay, PAIGNTON TQ4 6DG

- 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 Mike Grindrod against the decision of Torbay Council.
 - The application Ref P/2022/0661, dated 7 June 2022, was refused by notice dated 23 August 2022.
 - The development proposed is single storey side extension forming garage and entrance porch, two storey rear extension forming enlarged living accommodation to ground floor apartment and underfloor storage at lower ground floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the host building and local area; and on the living conditions of the occupiers of 25 Cliff Road (No 25) with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is a semi-detached two storey building that addresses Cliff Road within a predominately residential area. The building accommodates two units of residential accommodation and Cliff Road contains a mix of large houses converted to apartments, purpose-built apartments and large houses retained as single dwellings.
4. As viewed from the rear, the garden is sloping and, due to the relative ground levels between the building and garden, a cellar is accessible from the garden level below the ground floor of the building. The proposed extension would be of a considerable width spanning across the entire rear elevation of the building and behind the proposed side extension, as well as being of appreciable depth. These factors, together with the two-storey scale and unrelieved expanse of flat roof, would give the extension a substantial scale and box-like form. This would fail to reflect the pitched roof, which is characteristic of the original building, and the proposal would appear as a bulky, dominant and discordant addition to the rear elevation.
5. Although the rear extension would not be easily seen from wider areas, the sense of incongruity created by its scale, height and design would harm the character and appearance of the original property, and the sense of

unsuitableness would be given emphasis in the wider glimpse views between buildings from Cliff Road to the north. Moreover, it would be evident from properties either side and to the rear. For these reasons, the extension as observed from the rear would appear as an incongruous addition which would fail to integrate successfully with the host building and surrounding development.

6. The proposal would reduce the size of the garden area. However, the remaining garden space would not be of an abnormally small size within the residential area. The proposal would retain sufficient visual gaps to its neighbours and a sense of space to not appear as a cramped site or result in overdevelopment within the plot.
7. The proposal also includes a single storey extension with a dual pitched roof to the side of the building. This would be modest in scale and appearance. The design of the single storey element would respect the vernacular of the host building and respond to the context of alterations carried out at neighbouring buildings. I am also cognisant that the Council is satisfied that the side extension would be acceptable, subject to the use of appropriate materials, which could be a condition of planning permission.
8. Whilst the side extension would not harm the character and appearance of the host building and local area, and the proposal would not result in overdevelopment within the plot, for the reasons above, having regard to the scale, height and design of the proposed rear extension, the whole effect is a scheme which would be an unsympathetic form of development, despite the scale and proposed setting back of the side extension. It would cause significant harm to the character and appearance of the host building, which would be evident from the properties on either side and to the rear of the site.
9. I am aware of the extension to the rear of the semi-detached neighbouring property, 15 Cliff Road. However, compared with the appeal scheme that extension is appreciably smaller in scale and has a pitched roof. I also noticed the side extension at 14 Cliff Road, however, I have no evidence that the scheme also involves a rear extension with a similar design and scale to the appeal scheme. Reference has been made to a lapsed planning permission for an extension at the property, however, in the absence of further details, it is difficult to undertake any meaningful comparison between the lapsed permission and the appeal scheme. In any event, where planning permission is required, applications for such structures would have been considered in the light of the relevant planning policies at that time. Therefore, these cases are matters to which I attach limited weight.
10. As such, the proposed extension would cause unacceptable harm to the character and appearance of the host building and local area. This fails to accord with criteria in Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (the LP), as the extension would not be attractive, but would be a dominant addition resulting in significant harm to the character and appearance of the original property and locality. It is also inconsistent with Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030 (the NP), which sets out that development proposals should be in keeping with the surroundings. For similar reasons, the proposal would be contrary to the provisions in the National Planning Policy Framework (the Framework) in relation to achieving well-designed places.

Living conditions

11. I observed during my site visit that there is a degree of mutual overlooking between properties in the area. No 25 is comprised of two residential units, 25A and 25B Cliff Road. There is mature planting between the appeal site and No 25, although there are clear views between the windows of the upper floors.
12. Whilst the extension would protrude out toward No 25, due to the scale of projection, which would be similar to that of the extension to the rear of the semi-detached neighbour, the proposal would not exacerbate the existing levels of overlooking which currently occur, nor would it unduly diminish the outlook or appear as overtly dominant to No 25. It would therefore not diminish the enjoyment of the properties.
13. I conclude that the proposed development would not harm the living conditions of the occupants of No 25A or No 25B with particular regard to outlook and privacy.
14. There would be no conflict with Policies DE3 and DE5 of the LP which advise, amongst other things, that development should not unduly impact upon the amenity of neighbouring occupiers. There would also be no conflict with the provisions of the Framework in relation to creating places that promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

15. The matter that the proposal would not affect public space is not a reason in itself to allow a development that is unacceptable. The appellant advises that there has been no local opposition to the proposal. Be that as it may, this does not deflect from my concerns relating to the effect of the proposal on the character and appearance of the host building and local area.

Conclusion

16. Whilst the proposal would not harm the living conditions of the occupiers of No 25, the proposed extension would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding.
17. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR