



Appeal Decision

Site visit made on 4 April 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/X1165/W/22/3312646

2 Mead Road, Torquay TQ2 6TE

- 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 & Mrs David Frankum against the decision of Torbay Council.
 - The application Ref P/2022/0826, dated 13 July 2022, was refused by notice dated 8 September 2022.
 - The development proposed is construction of dwelling and associated works (revised design).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of 3 and 4 Parkmead, Broadpark Road (Nos 3 and 4), with regard to light and outlook.

Reasons

Character and Appearance

3. The area consists predominantly of detached dwellings. Most buildings have a traditional form with pitched and hipped roofs, but others are of varied designs including many with a flat-roofed, modernist, art deco appearance. There is also variation in external facing materials locally including metal and wood cladding, as well as the more common render.
4. Examples of dwellings with this variety of design and appearance have been referred to me by the appellant, and I saw these on my visit, including the additional storey approved at 31 Barnfield Road¹. Nevertheless, despite the variation in design and materials, many dwellings locally, including those of art deco design, are of a substantial scale, set within generous plots. This prevailing pattern of development gives the area a pleasant and spacious appearance.
5. The appeal site forms part of the sloping side and rear garden of 2 Mead Road (No 2). This consists of a large dwelling and plot which contributes positively to the appearance of the area. The proposal would involve subdividing its garden

¹ PINS reference APP/X1165/D/20/3255555

into two plots and erecting a dwelling of contemporary design. The proposal would have a flat roof and use external materials intended to reflect others locally.

6. The size of the dwelling has been reduced in its scale from that considered during a previous appeal² (the 2021 scheme). However, because of its size and proportions, the proposal would appear diminutive and out of scale in the street scene when viewed with adjacent large buildings nearby, including No 2. Furthermore, the height of the proposal relative to its width means that it would appear squat and therefore out of place with others in the area.
7. As a result, notwithstanding the attempt to mimic other much larger art deco dwellings nearby, the scale, siting and proportions of the proposal would appear contrived and incongruous in its context. Consequently, the proposal would harm the character and appearance of the area. As such, it would be contrary to Policy DE1 of the Torbay Local Plan (TLP), adopted December 2015, which requires that proposals must relate to the surrounding built environment in terms of scale, height and massing, and should acknowledge local character.
8. For similar reasons, the proposal would also conflict with Policy TH8 of the Torquay Neighbourhood Plan (NP), adopted June 2019, which requires development to respect the local character and to reflect the identity of its surroundings. The proposal would also conflict with the requirement of the National Planning Policy Framework (the Framework), that development is well designed and sympathetic to the area. As such, I give this conflict significant weight.

Living Conditions

9. Nos 3 and 4 are broadly perpendicular to the appeal site and are at a lower level than it. Their rear windows and gardens face towards the site. Compared to the 2021 scheme, the proposal has been significantly reduced in height and width and has been set further away from the shared boundary with Nos 3 and 4. The first-floor storey of the proposal would also be stepped in from the other storeys to reduce the effect of the proposal, including compared with the 2021 scheme.
10. Even so, by utilising the slope of the land, the main bulk of the side elevation of the proposal would have a large height and mass of built form. The appeal site is at a higher level than Nos 3 and 4 and despite the increased distance, the proposal would still be in close proximity to them. The difference in levels and the additional mass and bulk formed by the proposal means that it would have a dominating effect from the rear windows of these properties, particularly those at ground floor, and their rear gardens.
11. Existing boundary vegetation would be retained. However, it cannot be relied upon to sufficiently soften the impact of the proposal, especially in the long term, or without the vegetation itself being unacceptably overbearing. As such, the proposal would have a dominant and overbearing effect on the occupiers of these properties, harming their outlook.
12. The existing dwelling at No 2 overshadows the ground floor rear windows of Nos 3 and 4 at certain times of the day. However, the tall height and mass of

² PINS reference APP/X1165/W/21/3282847

the proposal, together with its close proximity, would be likely to result in a further degree of overshadowing and loss of light to these windows. This would also result in harm to the living conditions of the occupiers of these properties.

13. The ground and first floor windows of the proposed elevation facing Nos 3 and 4 would be glazed with obscure glass, as would a first-floor balcony screen. As such, the proposal would avoid undue loss of privacy to these properties and, although I have considered the representations received, I reach a similar conclusion in respect of 1 and 2 Parkmead. Nevertheless, for the reasons given above, the proposal would harm the living conditions of the occupiers of Nos 3 and 4, with regard to light and outlook.
14. For these reasons, the proposal would be contrary to TLP Policy DE3, which requires no undue impact on the amenity of neighbouring uses, including in respect of outlook. For similar reasons, the proposal would also conflict with the requirement of the Framework for a high standard of amenity for existing and future users. As such, I give this conflict significant weight.

Other Considerations

15. The Council accepts that it cannot currently demonstrate a five-year housing land supply. As such, the Council's housing policies are deemed out of date and it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling, to assist the Council in addressing its undersupply, as set out in paragraph 11(d) of the Framework.
16. I have found that the proposal would conflict with TLP Policies DE1 and DE3 and NP Policy TH8, and that these policies are consistent with the Framework. Against that, the proposal would make a positive contribution to the supply of housing and its future occupants would make a positive social and economic contribution. It would also make efficient use of previously developed land, on a site that could be developed quickly, and in a location with good access to services and facilities. However, due to the proposal being for only a single dwelling, these benefits would be limited, and so I give them moderate weight.

Other Matters

17. The appellant has referred me to 4a Manscombe Road, where a dwelling was approved³ on a much smaller and more constricted plot than the appeal site. However, the Council's decision significantly pre-dates both the Framework and the adoption of the current Local Plan, and so I can give it little weight. I have also been referred to buildings approved in Torquay at Cliff Road, Torbay Road, Wheatridge Lane and at 18 Mead Road, adjacent to a listed building. However, I have few details of the background to these decisions. As such, whilst recognising the need for consistency in decision-making, these other examples do not change my conclusions about the effect of the proposal.

Planning Balance and Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.

³ LPA reference P/2004/1362

19. I have identified that harm to which I give significant weight would be caused to the character and appearance of the area and to the living conditions of No 3 and No 4. For the reasons given above, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
20. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR