



Appeal Decision

Site visit made on 5 April 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/X1165/D/22/3304830

Glenridge, Ilsham Marine Drive, Torquay, TQ1 2PN

- 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 Ms H Tucker against the decision of Torquay Council.
 - The application Ref. P/2022/0063, dated 19 January 2022, was refused by notice dated 24 May 2022.
 - The development proposed is extension over existing garage to provide home office.
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Decision

1. The appeal is allowed and planning permission is granted for extension over existing garage to provide home office at Glenridge, Ilsham Marine Drive, Torquay, TQ1 2PN in accordance with the terms of the application, Ref. P/22/0063, dated 19 January 2022, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building or otherwise be in accordance with those in the Application Form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 21.46 001; 21.46 002A; 21.46 004; 21.46 005A.

Preliminary Matters

2. The Council's decision notice refers to drawing No. 21.46 006A that I have not been provided a copy of. However, I understand that this is a 3D image of the proposed elevations which are otherwise as shown on drawing No. 21.46 005A, which I have been given a copy of. The absence of this 3D image has not therefore affected my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal site is located off a narrow lane that is accessed from Ilsham Marine Drive. The lane provides access to other properties surrounding the appeal site and I also understand that it provided the main access to the former Studley Knowle School, which has now closed. The old school buildings, to the south west of the appeal site, are in the process of being converted to residential units and the area to the north of the appeal site, also part of the former school is being developed to provide new detached dwellings a number of which, as I observed on my site visit, are nearing completion.
5. The appeal site comprises a large traditional two storey detached property situated within a substantial plot. There are similar detached properties within large plots nearby and on the frontage to Ilsham Marine Drive. The properties to the north west of the appeal site, including Hope Cottage which shares a common boundary with the host, also comprise large detached properties albeit within slightly smaller but still generous plots. All of the surrounding properties differ in terms of their scale, layout, age, design and style and there is no uniform character. Moreover, due to the fact that the lane rises from Ilsham Marine Drive past the appeal site and to the rear of its north eastern boundary, the properties beyond sit at a higher level to the garden of the host property and its existing detached flat roofed single storey garage, which is sited in the northernmost corner of the appeal site.
6. The appeal proposal involves the construction of an extension over the existing garage. The extension (new floor) would be used as a home office and has been designed in an art deco style to reflect similar design features on part of the host property. It would have a flat roof and parapet with an external staircase leading to a main door into the office and beyond this a new balcony with french doors.
7. The north eastern boundary of the appeal site is enclosed by a high brick wall beyond which, fronting onto the lane, is a mature hedge and new trees, the latter recently planted by the Appellant to provide added privacy. Although the proposed extension would be very visible above the existing wall, its scale and massing would be reduced by the proposed flat roof and innovative art deco design, and it would largely be viewed against the backdrop of the upper parts to the host property and Hope Cottage. It would also be viewed in the context of the new dwellings being constructed to the north. As I observed on my site visit, these new dwellings sit at a much higher level to the lane behind a high stone wall and are thus visually prominent within the streetscene and more so, in my view, than the proposed extension would be.
8. Whilst I accept that there would be an increase in the bulk of building that is visible on this part of the lane and there would be a material change in the appearance of this part of the appeal site, I am satisfied that any impact arising from the proposed extension would not be significant or harmful to the host or to the streetscene. As I confirmed, the host property is located within a substantial plot that is more than sufficient to accommodate an extension of the size and scale proposed. Mindful also of the varied character of properties in the lane, the proposal would not appear incompatible or out of keeping with the host or the streetscene. Overall, it would result in a development that sits comfortably on this part of the appeal site and secures a high quality of design.

9. The Council have referred to policies DE1 and DE5 of the Torbay Local Plan 2012–2030 (December 2015) (TLP) and policy TH8 of the Torquay Neighbourhood Plan (June 2019) (NP). These seek, amongst other requirements, to ensure that new development is well designed, makes best use of the space available, relates well to the surrounding built environment, integrates well with the streetscene, is on a plot large enough to accommodate the development without dominating it and respects local character in terms of height, scale and bulk. For the reasons set out above, I am satisfied that the proposed extension would comply with all of these policy requirements whilst at the same time making full and effective use of the land.
10. Further support for my findings is provided by paragraph 130 of the National Planning Policy Framework (July 2021) (Framework) which adopts a broadly similar approach to the development plan but also states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Similarly, paragraph 134 b) of the Framework states that significant weight should be given to innovative designs that help raise the standard of design more generally in an area provided the proposal fits in with the overall form and layout of their surroundings. This approach is reinforced in paragraph 44 of the National Design Guide (NDG) (January 2021) where it states that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today. As I confirmed earlier, the proposal would involve an innovative and high quality design.
11. Accordingly, I find that the appeal proposal would be compliant with policies DE1 and DE5 of the TLP, policy TH8 of the NP and the corresponding policies of the NDG and Framework.

Neighbours living conditions

12. The Council contend that the proposed extension would have an unacceptable and overbearing impact on the living conditions of the occupiers of the neighbouring properties, specifically Hope Cottage, in relation to outlook and access to light. I do not agree. As I observed on site, the proposed extension would be sited above the existing garage, which lies at a lower level to most of Hope Cottage and is separated from it, in part, by existing hedging/bushes and a single storey flat roofed garage that serves Hope Cottage. The latter extends beyond the rear wall of the existing garage to the host property and thus the proposed extension. The large side windows to Hope Cottage are located further back beyond the rear wall of its garage.
13. Given these building relationships I am satisfied that the proposed extension would not have any significant impact on the light and outlook of the occupiers at Hope Cottage. I accept that there would be some impact but given the siting and design of the proposed extension relative to the side and front windows to Hope Cottage and as the new extension would be sited broadly in front of and due east of that property, the level of impact would not be significant. Furthermore, as the new dwellings to the north sit at an even higher level any impact on their outlook would also be limited.
14. As to the concerns about overlooking, I am again satisfied that the proposed design of the external staircase, new balcony and french doors, with the latter largely facing either south into the garden of the host or south east and away from Hope Cottage, would not give rise to any harmful overlooking. I accept

that there may be some overlooking but consider that this would also be limited and not harmful to the living conditions of the adjoining occupiers. Even so, mutual overlooking of neighbouring properties and gardens is an inherent and common characteristic of built up areas particularly where there is a difference in levels between the respective properties or occupiers have altered their properties to take full benefit of existing views. An example of this is the direct views provided by the side windows to Hope Cottage over the hosts garden and to a lesser extent the views over the hosts garden from the new dwellings to the north. As such, the proposed external staircase, balcony and french doors would not result in any harmful increase in the level of overlooking that already occurs.

15. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of the neighbouring occupiers of Hope Cottage and would be compliant with policies DE3 and DE5 of the TLP and paragraph 130 f) of the Framework. These seek, amongst other requirements, to ensure that new development does not unacceptably impact on residential amenities.

Other Matters

16. The appeal site lies within the setting of designated Grade II* and Grade II Listed Buildings, including Ilsham Manor Oratory and various outbuildings to the south east and north west of the Manor. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special regard must be had to the desirability of preserving those buildings setting. Similar advice is to be found in the Framework.
17. All of the listed buildings are located to the south west of the appeal site and well away from the appeal proposal. They are separated by the gardens to the host property, which are extensive and contain a number of mature trees and other landscaping that provides an effective screen between the proposal and the listed buildings.
18. Given, therefore, the distance that would separate the proposal from these listed buildings and the extensive screening in between, I am entirely satisfied that the appeal proposal would not result in any harm to the setting of these listed buildings.

Conditions

19. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition requiring compliance with the submitted plans is necessary and reasonable to secure a high quality development. I have however added a list of plans for clarity. In relation to materials this condition is also necessary and I have worded it to require the materials to match existing or otherwise be as shown on the Application Form.

Conclusion

20. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR