



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/23/3316740
58 Roundham Road, Paignton, TQ4 6DS

- 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 R Winborn against the decision of Torbay Council.
 - The application Ref. P/2022/1145, dated 18 October 2022, was refused by notice dated 13 December 2022.
 - The development proposed is single storey extension, reworks to interior layout and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension, reworks to interior layout and associated landscaping at 58 Roundham Road, Paignton, TQ4 6DS in accordance with the terms of the application, Ref. P/2022/1145, dated 18 October 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 used on the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: RWP 10; RWP 14_01; RWP 15_01; RWP 16_01.

Application for Costs

2. An application for costs was made by the Appellant against Torbay Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in response to a previous proposal for a single storey extension, balcony and full height french doors which was dismissed on appeal on 15 September 2022 (ref. APP/X1165/D/22/3298687) (2022 Appeal). I have had regard to that decision in determining this appeal.
4. The Council's reason for refusal refers to the adopted Torquay Neighbourhood Plan 2012-2030. I have assumed that this is an error and that it should have referred to the Paignton Neighbourhood Plan 2012-2030 (June 2019) (PNP) and policy PNP1(c) from the latter. I have determined the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area, with particular regard to the appeal site's location within a designated Conservation Area.

Reasons

6. The appeal site lies within the Roundham & Paignton Harbour Conservation Area (RPHCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (July 2021) (Framework) and in policy SS10 of the Torbay Local Plan 2012-2030 (December 2015) (Local Plan).
7. I have not been provided with a plan of the RPHCA or its Character Appraisal. I have, therefore, based my assessment of the special interest of the area on the evidence that is before me, including the appeal submissions, the 2022 Appeal decision and my own observations on site. This part of the RPHCA is centred on the old historic Paignton Harbour and the traditional properties that surround it. The harbour itself is small and compact and appears to date from the early to mid-19th Century with a number of Grade II Listed Buildings and other 'key buildings' formed around it. Parts of the harbour walls are listed and other significant Listed Buildings are Harbour Lights (restaurant) and the Paignton Club, with the later dating from 1881.
8. On the elevated rocky outcrop that includes the appeal site is another Grade II Listed Building, Cliff Cottage (60 Roundham Road) (No.60), which adjoins the host property and appears to date from the 18th Century. Whilst No.60 and the properties either side are thatched, the host and the property on the opposite side (62 Roundham Road) (No.62) were constructed later and possibly date from the early 20th Century. The elevated position and traditional thatched design of the host and No.62 would appear to have contributed to their identification as 'key buildings' within the Character Appraisal, a reference I have picked up from the submitted evidence. The special character of the area is further defined by the extensive views and vistas of not only the old harbour but also towards Paignton Sands. Whilst there are modern developments within the area, such as the public car park (to the east of the appeal site), the open spaces formed specifically by North Quay and South Quay, to which the public largely have unrestricted access, are also an important part of the special interest of the RPHCA.
9. All of the above factors contribute, in my view, to the character and appearance of the RPHCA as a whole.
10. The Council contend that the design and siting of the proposed extension would not respect key features of the host property and would represent an unsympathetic alteration, irrespective of its prominence or visibility, that would harm the character and appearance of the host and the RPHCA. I do not agree. As I observed on site, views of the existing extensions, which the proposal would replace, from public vantage points are limited due to the elevated position of the appeal site, the distances involved and the fact that this side of the host building is set back from the edge of the outcrop and well behind a glazed balustrade on the boundary. If you look very closely, it is

possible to get a glimpsed view of the top part of the thatching to both extensions, where they sit in line with the sills to the first floor windows. As the appeal proposal would incorporate a flat roof, its ridge (parapet) would be at a much lower level, well below the sills to the windows above. As such, there are unlikely to be even glimpsed views of the proposed extension from public vantage points and it would not therefore impact on any key views or vistas of the host or its neighbours or impact any other features that contribute to the special importance of the RPHCA, including the host's identification as a 'key building'. On the contrary, the removal of the existing extensions, which as I observed on site appear to be later additions and are in a poor condition, would reveal more of the original white rendered wall to the property.

11. I also disagree with the Council's contention that the proposed extension would be unsympathetic and incongruous. As I confirmed, it would replace the existing extensions which are not of any historic importance and appear as somewhat clumsy additions to the original property. Even so, the proposed extension would be small-scale and constructed from a pallet of materials to match those on the host and would include a parapet, a detail that is often to be found on more traditional buildings. Combined with the proposed flat roofed design, all of these factors assist in creating an extension that would be proportional and subservient to the host. For all of these reasons, I agree with the Appellant that the proposed contemporary design of the extension would sit comfortably on the appeal site and would successfully integrate with the host property and surrounding area.
12. Further support for my findings in this respect is provided by paragraphs 130 and 134 b) of the Framework which state that being sympathetic to local character should not prevent or discourage appropriate innovation or change, provided the proposal fits in with the overall form and layout of their surroundings. Paragraph 44 of the National Design Guide (NDG) (January 2021) also 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 above, the proposal would represent an acceptable contemporary extension to the host property and a good quality design.
13. Turning to the 2022 Appeal decision, the Inspector specifically found that the proposed first floor balcony and full height glazed french doors would result in an unsympathetic addition to the host property. Both of those elements have been removed with the proposal simply being for a new single storey extension thus addressing the Inspectors concerns in this respect. Whilst the Inspector may have had some remaining reservations over the single storey extension, for the reasons I have set out above these are not concerns that I share. Even so, the removal of the first floor balcony has assisted in reducing the perceived scale of the new extension. Moreover, in the dismissed scheme the main elevation of the extension was proposed to be clad in timber. The latter has also been replaced in the current proposal by white painted render to match existing. As such, I am satisfied that the current appeal proposal has addressed the majority of the previous Inspectors concerns.
14. Accordingly, I find that the proposed extension is acceptable and that it would preserve the character and appearance of the RPHCA as a whole in that it would leave it unharmed, and would also represent a sympathetic, appropriate and high quality addition to the host property. The proposal would thus be in

accord with policies SS10, DE1 and DE5 of the Local Plan, policy PNP1(c) of the PNP and the corresponding policies of the Framework.

Other Matters

15. The appeal site lies within the setting of various Grade II Listed Buildings. 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 the setting of these heritage assets. Similar advice is to be found in the Framework. The Listed Buildings are located to the west of the appeal site, comprising Cliff Cottage (No.60) and the Paignton Club, and to the north and east comprising Harbour Lights (restaurant) and the Paignton Harbour walls.
16. Other than Cliff Cottage, the Listed Buildings are located some distance from the appeal proposal, and are physically and visually separated by other buildings, the site topography, boundary treatments and street furniture. In relation to Cliff Cottage, as I observed on site the rear of that property is separated from the rear of the host by a high timber fence and mature hedge that would screen any views of the proposal.
17. Given the above and mindful also of the small-scale of the proposed extension, its siting and design and the fact that it would replace two later additions to the host property, I am satisfied that the appeal proposal would not result in any harm to the setting of these Listed Buildings.

Conditions

18. The Council has suggested various conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing, are necessary and reasonable in order to secure a high-quality development. I have, however, added a list of approved plans for clarity.

Conclusions

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

G Roberts

INSPECTOR