



Appeal Decision

Site visit made on 10 March 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/X1165/D/22/3312100

25 Sherwell Lane, Torquay, Devon, TQ2 6BG

- 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 Richard Saunders against the decision of Torbay Council.
 - The application Ref: P/2022/0837, dated 14 July 2022, was refused by notice dated 9 September 2022.
 - The development proposed is described as change velux window to dormer, with addition of velux rooflights to existing attic room.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

3. The appeal property forms part of a terrace of properties that back onto, and are highly visible from, a public park. The rear elevations of these terraces, including the appeal property, form part of the character and setting of the park. The appeal property can also be viewed from Sherwell Hill where it adjoins the park.
4. The appeal proposal comprises 3 velux windows within the front elevation roof, and a box dormer to be added to the rear elevation roof.
5. Policy DE1 of the Torbay Local Plan 2012 to 2030 states that development should be well-designed, respecting and enhancing Torbay's special qualities and requires development to be assessed against 28 criteria. Criterion 12 requires development to acknowledge local character, criterion 13 to have a clear urban structure and grain that integrates with surrounding context, criterion 14 to relate to the surrounding built environment in terms of scale, height and massing and criterion 18 to integrate with the existing street scene and features.
6. Policy DE5 of the Torbay Local Plan requires domestic extensions to not dominate or have other adverse effects on the character or appearance of the original property, neighbouring properties or on the street scene in general. Policy TH8 of the Torbay Neighbourhood Plan requires good quality design and

respect the local character in terms of height, scale and bulk and reflect the identity of its surroundings.

7. The proposed box dormer would be positioned across most of the existing rear roof slope and include windows and a door with a Juliet balcony. The roofscape along the terraces that include the appeal property is highly visible from the adjacent park and forms an important part of its setting and the overall character of the area. The roofscape along the terrace of properties is largely preserved as originally built comprising mainly pitched and sloping roofs forms rather than dormer windows. I note there is one box dormer at No. 35 Sherwell Lane although this is the exception to the prevailing pattern of the roofscape and notably does not include a door and Juliet balcony as is proposed in the appeal scheme.
8. I also note that the appeal scheme is a re-design of an earlier scheme that was dismissed at appeal (Ref: APP/X1165/D/22/33031363). The changes made from the previously dismissed scheme comprise a reduction in depth of around 1 metre from the rear elevation and a reduction in width to bring the side of the dormers away from the appeal site boundary.
9. In this case, whilst I acknowledge that the dormer subject of this appeal has been reduced from that dismissed previously, I consider that it would still appear as a substantial and highly visible addition to the property. In particular, the size of the dormer combined with the doors and Juliet balcony would result in an overly prominent and uncharacteristic addition to the roof that would detract from the appearance of the appeal property when viewed from the park and other public vantage points. The positioning of the windows and doors within the dormer would also not be symmetrical with the existing windows below and would create an unbalanced addition to the host property at odds with the prevailing character of the area.
10. The appellant has set out that the dormer is required to be the size proposed in order to address the needs of the occupiers as well as to meet building regulations to enable stairs to be provided within the required head height. I note that the appellant has provided a photograph seeking to demonstrate the issues that exist with the head height within the existing roof structure.
11. Whilst I acknowledge that these matters are issues that would need to be resolved in order to optimise use of the roofspace, they do not outweigh the harm I have identified to the character and appearance of the appeal property and wider area, and I therefore give them only limited weight in my decision.
12. To conclude on the effect of the proposed dormer, I consider that the rear dormer would be an incongruous addition to the roofscape that would harm the character and appearance of the appeal property and wider area. Accordingly, the dormer element of the appeal proposal does not accord with Policy DE1 and Policy DE5 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan the relevant provisions of which I have identified above.
13. The proposed velux windows on the front elevation are well designed in terms of size and their positioning across the width of the roof and would not cause any harm to the character and appearance of the appeal property or wider area.

Conclusion

14. To conclude, the proposed dormer would have an adverse impact on the character and appearance of the appeal property and roofscape of the area. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR