



Appeal Decision

Site visit made on 25 April 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/X1165/D/23/3315377

298 Dartmouth Road, Paignton, Torbay TQ4 6LH

- 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 Edward Bosworth against the decision of Torbay Council.
 - The application Ref P/2022/0538, dated 8 May 2022, was refused by notice dated 15 December 2022.
 - The development proposed is attic floor extension and various associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development in the heading above has been taken from the planning application form. It is clear from the plans and accompanying details that the 'attic floor extension' includes raising the ridge height, dormers, roof terrace, balconies, fenestration changes and associated works, as described on the appeal form and decision notice. I have dealt with the proposal on this basis.

Main Issues

3. 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 neighbouring occupiers with particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site is a detached dwelling on Dartmouth Road within a predominately residential area. While there is variety in buildings, dwellings on this side of the road are typically set back behind long enclosed front gardens with private driveways and off-road parking. Although there is variety to the dwellings, including in terms of height, they are typically chalet style bungalows or two storey dwellings, including some with accommodation within the roof space, which are characterised by expansive tiled roofs.
5. The appeal property is rendered and has prominent central two-storey front and rear gable projections, with a Gambrel type roof design which is tiled. Whilst I note the comments of the appellant, I find the character and appearance of the dwelling contributes positively to the group of buildings and street scene.

6. Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (the LP) together require development to relate to the surrounding built environment in terms of scale, height and massing, and that extensions to domestic dwellings should not dominate the character or appearance of the original property. The proposal would cumulatively result in significant bulk to the upper portions of the host dwelling and the Gambrel roof style, and the projecting front and rear gables which are characteristic of the dwelling, would be removed.
7. Even if the proposed extended ridge height of the roof would be similar to the properties to either side, the proposal would significantly increase the height of the eaves and reduce the expanse of tiled roof. The extension to the height of the dwelling would be an unduly dominant feature which, together with the side extension and dormers, would give rise to disproportionate bulk that would be over-dominant to the house not related to its existing scale, height and massing. Moreover, the top-heavy appearance would be at odds with the character and appearance of the local area, and it would jar with other properties in this part of the street.
8. The whole effect is a scheme which would lack a sense of subtleness and it would overpower the existing dwelling causing harm to its character and appearance, with consequent harm to the surrounding area.
9. I recognise the appellant considers that the existing roof is in need of repair, and that the proposal would enable views of the bay. Nonetheless, from all that I have seen and read, I am not convinced that this would be an acceptable design solution. Accordingly, I give these matters limited weight.
10. For the above reasons, having regard to the design, scale and bulk of the proposed extensions, the whole effect is a scheme which would be an unsympathetic form of development. The proposed extensions would cause unacceptable harm to the character and appearance of the host building and local area. Therefore, it fails to accord with criteria in Policies DE1 and DE5 of the LP. 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. The properties of 296 Dartmouth Road (No 296) and 300 Dartmouth Road (No 300) lie to either side of the appeal site. The rear garden of the appeal dwelling is shorter than the neighbours either side, with the garden of No 296 wrapping behind. There are residential neighbours further to the rear on Hookhills Road, including 'Cherry Trees' and 'In The Wind'.
12. There is some overlooking of garden space between dwellings, particularly from windows serving the upper floors of properties. However, the low density of development, juxtaposition of buildings and arrangement of windows means the rear elevations and gardens of these dwellings are relatively private.
13. Whilst the proposed development would increase the height and bulk of the appeal dwelling, given its position to the side of No 296 and No 300, and the distance between neighbouring properties, the proposal would not diminish the

sense of openness or cause unacceptable harm to the outlook of these neighbours.

14. Nevertheless, the proposed first floor terrace due to its height and position to the rear would offer significant, elevated views into most of the rear garden, including swimming pool and patio, of No 300. Similarly, it would afford views of much of the rear garden of No 296.
15. Although there is already a degree of overlooking from first floor windows, the presence of people outside on the proposed terrace would have a much more intrusive aspect and feel. Moreover, the proposed increase in height and introduction of windows at second floor level within the rear elevation of the appeal dwelling would further increase overlooking to these neighbouring properties. There would also be some increase in overlooking of Cherry Trees and In The Wind, although the effect on In The Wind would be limited given the presence of mature planting.
16. Together, the proximity, elevated position and more intrusive character of overlooking from the terrace and second floor windows would result in a dominating impact, as well as a harmful increase in overlooking and loss of privacy to the rear garden space of the residential neighbours.
17. As such, for the above reasons, whilst the proposal would not harm outlook, I find that the proposal would have a harmful impact on the living conditions of the neighbouring occupiers with particular regard to privacy. There would therefore be conflict with Policy DE3 of the LP which advises, amongst other things, that development should not unduly impact upon the amenity of neighbouring occupiers. There would also be 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.

Conclusion

18. For the reasons given above, I conclude that the development as a whole would not accord with the development plan and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

J White

INSPECTOR