



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/23/3316556

2 Seaview Crescent, Paignton TQ3 1JJ

- 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 James Clayton against the decision of Torbay Council.
 - The application Ref P/2022/0289, dated 24 February 2022, was refused by notice dated 4 January 2023.
 - The development proposed is hip to gable conversion, rear dormer extension, raised deck to rear.
-

Decision

1. The appeal is dismissed.

Main Issues

2. 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 occupiers of 12 Hilton Drive (No 12) and 14 Hilton Drive (No 14) with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is a semi-detached two storey building that forms a row of dwellings along Seaview Crescent, which were originally of substantially the same design. Whilst many of the houses on this side of the street have been altered to some extent, the original architectural design and form of the dwellings remain discernible. Although there is some variety to the dwellings in the wider area, large box dormer windows are not prevalent. The round bay windows, prominent gable on the front and steep hipped roofs are very common features of this area and contribute positively to its character and appearance.
4. The proposed dormer window would occupy much of the rear roof slope and it would extend just below the ridge. These factors together with the unrelieved expanse of flat roof and enlargement of the roof through the provision of a full gable would appear as unduly bulky and dominant additions to the dwelling, at odds with the character and appearance of the host building and the local area.
5. The appeal is accompanied by photographs of two dormer windows and hip to gable roof extensions in the area, including the example at No 12 adjacent to the site. However, no plans or details have been supplied to enable comparison with the proposal. Moreover, the case at No 12 has been carried out under

permitted development rights and was not, therefore, subject to consideration against the development plan policies that are in place. Consequently, I have attached limited weight to these examples.

6. Insufficient evidence is before me on the potential for a “fallback” position and the appellant’s reference to permitted development rights. For example, there are no details of this before me to consider, or that it is indeed a real possibility for the appellant to pursue. Additionally, the appellant considers that permitted development rights would not apply to the extended part of the dwelling. As such, they have very limited bearing on my decision.
7. I appreciate that the dormer window would be at the rear of the property. Whilst this may be a less sensitive position, I noticed on my site visit that it would be evident from properties to the rear and side, and from views between buildings from Hilton Drive and Hilton Crescent. For these reasons, the scheme would appear as an incongruous addition which would fail to integrate successfully with the host building and surrounding development.
8. The Council has not objected to the proposal for a raised deck. Having regard to its modest scale, appearance and position, I concur the raised deck would not harm the character and appearance of the host dwelling and local area.
9. Nevertheless, for the above reasons, having regard to the design, scale and bulk of the proposed roof 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 Torbay Local Plan 2012-2030 (the LP), as the scheme would not be attractive, but would be a dominant addition resulting in harm to the character and appearance of the original property and locality.
10. 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. It is clear from the Council’s planning officer report that it considers the proposal would harm the living conditions of No 12 and No 14 with particular regard to outlook.
12. Unlike many of its neighbours, the appeal property is not flanked to both sides with a dwelling on the same axis, as adjoining neighbours, No 12 and No 14, are on Hilton Drive and, as such, lie at right angles to the dwelling. Those neighbours also occupy a lower ground level and have rear elevations facing toward the side wall of the appeal property. The proposal would increase the mass of building close to the shared boundary. Due to its proximity, height and scale, the proposal would be conspicuous in rear views and create dominant and obtrusive development. This would result in a greater sense of enclosure and would be overbearing to the outlook of the occupants of No 12 and No 14 when viewed from their respective rear windows and rear garden.
13. I noticed during my site visit that there is a degree of mutual overlooking between properties in the area. The Council is satisfied that, subject to

conditions, the proposal would not harm the privacy of neighbouring occupiers. From my own observations during my site visit and having regard to the evidence available, I see no reason to disagree.

14. Nonetheless, for the above reasons, I find that the proposal would have a harmful impact on the living conditions of the neighbouring occupiers of No 12 and No 14 with particular regard to outlook. As such, there would 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.

Other Matters

15. I acknowledge the appellant's comments regarding discussions with the Council and the potential cost of alternative development. However, I have considered the proposal on its merits, and these matters do not alter my findings above.

Conclusion

16. 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