



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: 12 May 2023

Appeal Ref: APP/X1165/D/22/3313406

3 Higher Rydons, Brixham, Torbay, TQ5 8QD

- 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 and Mrs Darren Edwards against the decision of Torbay Council.
 - The application Ref: P/2022/0761, dated 23 June 2022, was refused by notice dated 8 November 2022.
 - The development proposed is described as increase roof ridge height. Formation of 2 pitched dormers to West (rear) with flat roof in between and 1 pitched dormer to East (principal).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more accurately reflects the development than what was included on the planning application form. I note the Council wrote to the appellant at the start of the planning application process to inform them of the change to the description of development.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and local area.

Reasons

4. The appeal property is a detached bungalow located in the Higher Rydons residential area on the western edge of Brixham. The appeal site is set back from the road with a driveway to the front and garden at the rear. The appeal site is within the South Devon Area of Outstanding Natural Beauty albeit within the built-up area of Brixham. Higher Rydons and the adjacent streets on this western edge of Brixham are on higher ground that result in a undulating urban form with streets gradually sloping downhill towards the eastern part of Brixham.
5. Higher Rydons comprises predominantly single storey detached bungalows with pitched roofs. The properties along Higher Rydons have some variation in terms of footprints, setbacks from the road, design and orientation. Whilst

there are some minor variations in ridge heights along Higher Rydons, the properties generally appear as complimentary to each other in terms of scale and height. This is evident with the appeal site and the nearby properties 1, 5 and 7 Higher Rydons.

6. The majority of roofs do not appear to have been substantially altered from their original construction other than two properties (Nos. 7 and 11 Higher Rydons) where dormer windows have been added. These flat roof box dormers are notable in so far that they appear as unsympathetic additions to their host dwellings and do not contribute positively to the townscape of the area.
7. The wider character of the area beyond Higher Rydons is similar with the majority of properties being single storey with pitched roofs. Building and ridge heights are generally consistent with each other with some variations evident given the rising and falling townscape. The overall look and feel of the wider area has a general uniformity about it in terms of scale, massing, appearance and layout of dwellings.
8. The appeal proposal comprises the addition of two pitched dormers on the rear elevation with a flat roof in between and one pitched dormer on the front elevation. The ridgeline would be raised by 1200mm in order to accommodate the dormers and living space within. The pitched roofs of the front and rear dormers would be below the raised ridgeline. Materials would match those existing at the appeal property.
9. In terms of the development plan, Policy DE1 of the Torbay Local Plan 2012-2030 requires development to be well-designed and enhance Torbay's special qualities and assessed against 28 criteria. Criterion 14 of Policy DE1 requires development to relate to the surrounding built environment in terms of scale, height and massing. Policy DE5 of the Torbay Local Plan 2012-2030 requires development to not dominate or have other adverse effects on the character or appearance of the original property of any neighbouring properties, or on the street scene in general. Policy BH5 of the Brixham Neighbourhood Plan requires development to respect the character and appearance of the surrounding area.
10. In terms of the impact from raising the ridge, roof heights along Higher Rydons do not vary significantly from property to property. The appeal scheme by raising the ridge height of the roof by 1200mm would, however, change this character and result in a substantial addition to the property that would be clearly visible and prominent within the Higher Rydons street scene and significantly higher than its neighbouring properties. The proposal to raise it by 1200mm would therefore in my view result in an overly prominent increase that would adversely disrupt the roofscape and street scene that current exists between Nos. 1, 3, 5 and 7 Higher Rydons.
11. I note that the appellant has highlighted that a raised ridge height of 500mm has been accepted at the nearby property 7 Wayside, and an increase of 400mm in ridge height accepted nearby at 4 Copythorne Road. I have had regard to these approvals and consider the principle of raising ridge heights in the area, including at the appeal site, would be acceptable without resulting in harm where designed appropriately. However, the increase in ridge height by 1200mm at the appeal property is significantly greater than that in either of the approvals before me and so needs to be assessed in its own context and on its own merits. In this case, I consider that the increase in ridge height by

1200mm would result in harm to the character and appearance of the street scene and area as a whole.

12. I note that the appellant states that an extension is required to meet the requirements of a growing family. I accept that meeting the needs of occupiers is an important factor for households and have sympathy with the reasons presented in this regard. I therefore give this matter limited weight in my decision although on this occasion I do not consider it is sufficient justification to outweigh the harm I have identified from the proposals.
13. The design and appearance of the dormers would appear subservient within the proposed roof and would blend in successfully with the amended dwelling and associated plot. In isolation, therefore, I do not consider there would be an unacceptable level of harm to the character of the host dwelling as a result of the appeal proposal subject to consideration of the effect of the raising of the ridge line within its wider street scene context.
14. In summary, the increase in the ridge height by 1200mm will result in a dwelling that would appear as overly tall and incongruous within the street scene and harm the character and appearance of the area. I therefore find conflict with the requirements of Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 and Policy BH5 of the Adopted Brixham Peninsula Neighbourhood Plan. I also conclude that the appeal proposal does not accord with Paragraph 127 of the NPPF in view of the conflict I have identified with adopted neighbourhood plan policies.

Other Matters

15. The appellant has provided analysis that seeks to demonstrate that there would not be any harmful impacts on neighbouring amenity arising from the appeal proposal. Whilst this is not cited as a reason for refusal in the Council's decision notice, I agree with the analysis presented and that the appeal scheme would have an acceptable impact on neighbouring amenity.

Conclusion

16. To conclude, the development would have an adverse impact on the character and appearance of the area and street scene of Higher Rydons. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR