
Appeal Decision

Site visit made on 11 April 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/X1165/W/22/3310640

26 Riviera Lodge Hotel, Croft Road, Torbay, Torquay TQ2 5UE

- 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 J Houghton of Riviera Lodge Hotel against the decision of Torbay Council.
 - The application Ref P/2022/0350, dated 16 March 2022, was refused by notice dated 21 July 2022.
 - The development proposed is described as "proposed second floor extension".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Belgravia Conservation Area (CA).

Reasons

3. The appeal site is located within the CA where there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area; and where great weight should be given to the asset's conservation. The CA is characterised by both quiet residential suburbs, open spacious surroundings, and a significant proportion of the major hotel accommodation in the resort which includes listed buildings. The site comprises a large, detached period villa within a generous plot forming part of a group of well-spaced similar properties identified as being Key Buildings within the Belgravia Conservation Area Character Appraisal 2016. These villas make a significant contribution to the setting of the CA.
4. The relatively small-scale proposal would be stepped back from the most prominent frontage of the original building that is smaller than some surrounding properties in the area. Additionally, it would include matching windows and doors above the existing extension. Architecturally, the proposal would emulate aspects of the host building's original key features by including window detail surrounds and corner copings. However, although the existing extension is already two storeys high and set below fencing and a rear tree line, the proposal would add a significant level of massing above these storeys that would result in a particularly dominant and imposing façade. As such, the proposal would lead to a terracing effect that would further erode the remaining original sense of spaciousness surrounding the property. In addition, it would reduce the visual separation between Key Buildings when viewed from the street.

5. The appellant's submission includes a useful visualisation of the proposed development. Although the detailed design of the proposed glass roofed veranda with its ornate steel post supports and balustrade may reflect a classical Victorian approach, its wide span and elevated position below the proposed flat roofed modern addition to the original building would overcomplicate built form on the otherwise uncluttered elevation. Furthermore, it would draw the eye to an uncharacteristic and consequently, discordant feature.
6. The proposal would cause less than substantial harm to the CA's significance as a designated heritage asset due to the relatively small-scale of the development proposed. Paragraph 202 of the National Planning Policy Framework (the Framework) explains that in such circumstances, it is necessary to balance the harm against the public benefits of the proposed development. The proposal would generate employment during the construction phase and add to the hotel's amenity offering as a tourist facility. However, any such benefits would not be sufficient to outweigh the harm to the designated heritage asset.
7. Therefore, I conclude on the main issue that the proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, the proposal would be in conflict with policies DE1 and SS10 of the Torbay Local Plan 2012 to 2030 and Policy TH8 of the Brixham Peninsula Neighbourhood Development Plan Policy Document 2012-2030 which together in this respect seek to conserve and enhance the distinctive character and appearance of the area. There would also be conflict with chapter 12 of the Framework which amongst other things, explains that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

Other matters

8. If I had been minded to allow the appeal, privacy screening to the proposed veranda could have been secured via an appropriately worded condition to protect the amenity of neighbouring occupiers.
9. There are grade II listed buildings near the site and consequently there is a statutory duty to pay special regard to the desirability of preserving the buildings or their setting. The grade II listed Howden Court Hotel and Allerdale Hotel are examples of large, detached villas with principal rooms to the south and entrance and service wings to the east and north. These are two of the grander late C19 Italianate designed villas that are very similar in style and these features contribute to their significance as listed buildings. The proposal is located on the opposite side of the road to these buildings to the north east of their entrance and service wings and would be set behind the intervening principal elevation of the host property. Consequently, the proposal would not be within the setting of nearby listed buildings, and as such, would not contribute to their significance.

Conclusion

10. For the reasons above, and taking into account all other matters raised, I conclude that the development would fail to accord with the development plan as a whole and therefore the appeal should be dismissed.

J Hills

INSPECTOR