



Appeal Decision

Site visit made on 13 June 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/X1165/D/23/3319493

74 Marldon Road, Paignton, Torbay TQ3 3NW

- 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 T Barber against the decision of Torbay Council.
 - The application Ref P/2022/1187, dated 31 October 2022, was refused by notice dated 17 January 2023.
 - The development proposed is hip to gable roof extension, front dormer window and first floor extension over existing rear dining room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the host dwelling and wider area with particular regard to the first-floor extension.

Reasons

3. The appeal building forms part of a pair of semi-detached dwellings on Marldon Road. The character of the wider area is defined by dwellings which benefit from hip and gable ends with dormer windows and subservient side and rear extensions, whether part of their original design or added as later additions.
4. The proposal would extend the existing single-storey rear projection up to first floor/roof level in combination with a hip to gable roof extension. The first-floor extension would comprise a flat roof and eaves that would join into the existing rear dormer window and extend back to the new roof forming part of the hip to gable extension. As a result, it would create a large two-storey flat roofed projection off the rear of the dwelling at a height just below the ridge of the roof.
5. Due to a combination of its height, flat roof design, mass and depth of projection in association with the existing dormer window, the resulting extension would dominate the rear elevation and roof of the building result in an incongruous and overly bulky built form. In light of this and given the character of the area being predominantly defined by subservient roof extensions comprising dormer windows, the proposal would be at odds with the prevailing built form in the area.
6. Although the appeal property is set back, raised above Rosemary Gardens, and partly screened by the appellant's garage and neighbouring boundary

treatment, the first floor would be visible from parts of Rosemary Gardens, from neighbouring dwellings and from across the valley.

7. I acknowledge that there would be no harm to the street-scene on Marldon Road from the hip-to-gable extension and two front dormer windows and given that the extensions do not alter or extend the footprint of the existing dwelling, they would not result in over-development of the site. I have considered the presence of the existing roof terrace and use of appropriate materials and that the proposal would improve the living environment for the appellants family. However, these matters do not alter my findings above or address the harm that results from the first-floor extension.
8. Accordingly, I conclude that the proposal would cause harm to the character and appearance of the host dwelling and wider area with particular regard to the first-floor extension. It would therefore conflict with Policies DE1 and DE5 of the Torbay Local Plan, The Plan for Torbay: 2012 to 2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030 (2019). Amongst other things, these require that development is well-designed, relates to the surrounding built environment in terms of scale, height and massing, does not dominate or have other adverse effects on the character or appearance of the original property or on the street scene in general and is in keeping with the surroundings respecting scale, design and height.

Other Matters

9. I have had regard to the lack of objections received and lack of harm to the living conditions of neighbouring occupiers. However, these matters are neutral in my consideration.
10. Even if I accept that an additional storey could be constructed to the appeal property under permitted development rights, it would be unlikely to comprise a two-storey flat roof rear projection similar to that proposed. As such, it would not therefore be directly comparable to the current appeal proposal.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

C Rose

INSPECTOR