



Appeal Decision

Site visit made on 6 June 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2023

Appeal Ref: APP/X1165/D/23/3318078

1 Froude Avenue, Torquay TQ2 8NS

- 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 W Vincent against the decision of Torbay Council.
 - The application Ref P/2022/1263, dated 17 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is an extension to form lounge, kitchen, porch & garage, including demolition of existing & alterations (all as drawings) resubmission.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to form lounge, kitchen, porch & garage, including demolition of existing & alterations at 1 Froude Avenue, Torquay TQ2 8NS in accordance with the terms of the application, Ref P/2022/1263, dated 17 November 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 202229/15 and 202229/16.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal report, and the ecological enhancement measures shall thereafter be retained.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and area; and
 - the living conditions of the occupiers of nearby properties, having particular regard to outlook and access to light.

Reasons

Character and appearance

3. The bungalow at the appeal site occupies a relatively wide corner plot at the end of a row of bungalows fronting on to Froude Avenue. The area is characterised by bungalows of different architectural styles that front on to the

roads. The gaps between bungalows vary in width and several bungalows on the opposite side of the road have been extended to their side boundaries. Therefore, the gaps between bungalows are not a defining characteristic of the area.

4. The bungalow at the appeal site is set at an angle relative to the other bungalows in the same row that front on to Froude Avenue. It is separated from the adjacent bungalow at 3 Froude Avenue (No. 3) by a wedge-shaped gap. This gap is wider at its most perceptible point than the gaps between most of the other bungalows in the row. In these respects, the bungalow at the appeal site has a noticeably different character and appearance to the other bungalows in the row.
5. The proposed extension would bring the side elevation of the appeal bungalow closer to No. 3. However, the side elevation of the proposed extension would be set at an angle to the side wall of No. 3, with a wider gap at the front. Given the respective positions of these bungalows, a gap of sufficient width would be retained between the proposed extension and the bungalow at No. 3, at its most perceptible point. As such, the proposed extension would not appear cramped in the street scene.
6. The front corner of the proposed extension would project forwards of No. 3 by a short distance and be visible in views from the road. However, the front corners of the other bungalows in the row are also visible due to the stepped alignment of their front walls relative to the road. In this context, the proposed extension would not appear prominent in the street scene.
7. The design of the proposed extension would be in-keeping with the style of the host property. Although relatively wide, the proposed extension would have a lower roof line than the existing bungalow and it would not be visually dominant. Furthermore, the lower roof line would provide a comfortable transition of roof lines between the appeal bungalow and No. 3.
8. Consequently, the appeal bungalow in its proposed extended form would respect the scale and pattern of the existing bungalows in the area, and its massing would be absorbed into the row of bungalows fronting the road.
9. For these reasons, I conclude that the proposed development would not harm the character and appearance of the host property or area. As such, it would comply with Policies DE1 and DE5 of the Torbay Local Plan – The Plan for Torbay (2012 – 2030) (LP), and Policy TH8 of The Torquay Neighbourhood Plan (Adopted June 2019), which, amongst other requirements, seek to ensure that development, including domestic extensions, respects the character and appearance of the host property and street scene.
10. The appeal proposal would be consistent with Paragraph 130 of the National Planning Policy Framework 2021, which states that planning decisions should ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment.

Living conditions

11. Although the proposed extension would bring the side elevation of the appeal property closer to No. 3, this side-to-side relationship is commonplace in this area. Furthermore, the space between the flank wall of No. 3 and the common boundary is occupied by an outbuilding and a narrow access path, restricting its

usability for relaxation and recreation by the occupiers. As such, the physical presence of the proposed extension when seen from this space, and any loss of light to this space, would not harm the occupiers' living conditions. Sunlight would continue to reach this space through the gap between the two properties, particularly when the sun is in the south.

12. The proposed extension would be visible from parts of the rear garden of No. 3, particularly the flat roofed rear wing containing the dining area, which would project beyond the rear wall of No. 3. However, given its position and relatively low height, the proposed extension would not have a dominant or overbearing effect on the outlook of the occupiers of No. 3, in views from their rear garden and windows. Furthermore, sufficient levels of light would continue to reach the relatively wide rear garden of No. 3, from over the roof of the proposed extension.
13. The property to the rear and fronting on to Brunel Avenue occupies elevated ground and has a relatively wide rear garden. The proposed extension has a relatively low height and it would be set sufficiently far from this property to avoid an overbearing effect on the occupiers' outlook from their rooms and garden area. Sufficient levels of light would continue to reach this property, particularly when the sun is in the south.
14. For these reasons, I conclude that the proposed development would not harm the living conditions of the occupiers of nearby properties, having particular regard to outlook and access to light. It would therefore comply with Policies DE3 and DE5 of the LP, which amongst other requirements, seek to ensure that development does not cause harm to the amenity of the occupiers of nearby properties through overbearing impacts or loss of light.

Conditions

15. To be in keeping with the appearance of the host property it is necessary for the materials to match. For certainty, it is necessary for the development to be carried out in accordance with the approved drawings.
16. Policy NC1 of the LP, requires all development to positively incorporate and promote biodiversity features. As such a condition is necessary to ensure that the measures set out in the Preliminary Ecological Appraisal are carried out and retained.

Conclusion

17. For the reasons given above I conclude that the appeal proposal is consistent with the development plan as a whole. The appeal should be allowed.

G Sylvester

INSPECTOR