
Appeal Decision

Site visit made on 5 July 2023

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/X1165/D/23/3321784

49 Cherry Brook Drive, Paignton, Torbay TQ4 7LZ

- 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 Cohen against the decision of Torbay Council.
 - The application Ref P/2023/0125, dated 2 February 2023, was refused by notice dated 6 April 2023.
 - The development is replacement/extended boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out and planning permission is being sought retrospectively. There is no dispute that what has been built is consistent with the plans submitted and on which planning permission was originally sought. The appeal has been considered on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is at the corner of Cherry Brook Drive and Hookhills Road. The immediate area includes dwellings with open frontages, mature landscaping, and generally low hard boundary treatments. This creates a verdant feel and positively contributes to the character and appearance of the area.
5. The development introduces a hard boundary treatment of substantial extent. Indeed, it appears to be of much greater extent compared to the hard boundary treatment it is replacing because it extends to a frontage location. Furthermore, the site no longer has the benefit of extensive mature landscaping, as most of this has been removed.
6. Consequently, in comparison to the hard boundary treatment it replaces, the development appears stark in the street scene and incongruous with the verdant feel of the frontages in the locality. As such, when the development is taken altogether it can only be considered harmful.

7. The appellant identifies other hard boundary treatments nearby but at least some of these retain mature landscaping at their frontage and are therefore not directly comparable to the development in this case.
8. Notwithstanding, even if directly comparable and considered desirable, they are relatively limited in number¹ and do not change the prevailing context to any significant extent. As such, the verdant feel of the area, particularly at the frontage of dwellings, is the context within which the development needs to respond.
9. Overall, the development would harm the character and appearance of the area and conflict with Policy DE1 of the Torbay Local Plan 2015 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2019. Among other things, these policies require developments to integrate with the existing street scene and features.

Other Matters

10. The appellant comments about the impact of the development in relation to the living conditions of neighbouring occupiers. However, it has not been necessary to probe this matter further. This is because it is clear from the Council's submissions and reasons for refusal that the main issue in dispute relates to the impact of the development on character and appearance.

Conclusion

11. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR

¹ Including the application ref P/2020/1023, among other examples.