

Appeal Decision

Site visit made on 11 September 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29.09.2023

Appeal Ref: APP/X1165/D/23/3317463

11 Tor View Gardens, Paignton TQ3 3DB

- 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 Lee Burns against the decision of Torbay Council.
 - The application Ref P/2022/0773, dated 28 June 2022, was refused by notice dated 16 December 2022.
 - The development proposed is for a loft conversion to include changing hip to gable and rear dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

3. The appeal site comprises an end of terrace house at the head of a residential cul-de-sac, it currently has a hipped roof with a ridge line higher than its adjacent neighbour at no12.
4. Stepping down of ridges is a common feature within the street due to the quite steep topography. To the west is a detached dwelling, no 10 with a gable-ended roof to both sides. Due to the elevated situation, views across Paignton from the rear are extensive and whilst it is clear that dwellings in the locality have been altered and extended over time, I note that one common feature within the rear garden scene on the northern side of Tor View Gardens is that rear roof slopes remain largely intact, without dormer roof additions.
5. Whilst the hip to gable extension and the slight increase in overall ridge height would be fairly innocuous, due to the previously described character of roofs within the road, the dormer element would add significant bulk to the dwelling. This would be detrimental to the character and appearance of area, particularly bearing in mind it's within a location which is highly visually exposed from the north of the town.
6. I note that the proposed dormer would be clad in slate to match the existing roof finish however I cannot agree that it would blend into the roof structure

and it would visually compete with the surrounding roof silhouette. I accept that the proposal has been designed to eliminate views of the dormer from the street itself and whilst the additional floor space and consequent volume may be fairly limited, the overall impact of the proposal would be significant. Reference is made to some elements of the proposal being permitted development, but these have not been specified and being an appeal against the refusal of planning permission it falls to me to determine the case on its merits.

7. I accept that the proposal would enable the appellant and his wife to work from home, however I consider that the proposal is very much a case of form following function and it has not been demonstrated that this is the only solution available. I note the other social and environmental benefits cited by the appellant in support of the proposal, however I consider that these do not outweigh the harm to the character and appearance of the area that would ensue.
8. I therefore find that the proposal is contrary to Policies DE1 and DE5 of the Torbay Local Plan 2012 – 2030 and Policy PNP1 (c) of the Paignton Neighbourhood Plan 2012-2023 which together require development to be well designed, not dominate or have other adverse effects on the character or appearance of the original property and be in keeping with the surroundings respecting scale, design, whilst respecting important townscape vistas.

Conclusion

9. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR