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# Appeal Decision

Site visit made on 5 December 2023

**by J Hills MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 January 2024.**

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**Appeal Ref: APP/X1165/W/23/3323080**

**Cary Lodge, Palermo Road, St Marychurch, Torbay, Torquay TQ1 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 David Gow Smith of Beechcroft Care Homes Ltd against the decision of Torbay Council.
  - The application Ref P/2022/1175, dated 25 October 2022, was refused by notice dated 5 May 2023.
  - The development proposed is extension to form additional lounge accommodation, works to create improved car parking (no change of use from C2 Care Home).
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## Decision

1. The appeal is allowed and planning permission is granted for extension to form additional lounge accommodation, works to create improved car parking (no change of use from C2 Care Home) at Cary Lodge, Palermo Road, St Marychurch, Torbay, Torquay TQ1 3NW in accordance with the terms of the application, Ref P/2022/1175, dated 25 October 2022, 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: 955-01 dated 29/09/2022; 955-02A dated 19/10/2022; 955-11A dated 21/10/2022; 955-12 dated 29/09/2022; 955-20A dated 19/10/2023.
  - 3) The development hereby permitted shall be carried out in accordance with the submitted arboricultural method statement and tree protection plan ref:05349 TPP dated 11/11/2019.

## Procedural matter

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

## Main Issue

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

## Reasons

4. 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 its detached or semi-detached villas set in a tranquil and mature landscape free from heavy traffic, with a generous provision of open spaces. The appeal site is part of a group of buildings, circa 1900, with their principal façade facing south across a public park. These buildings have been greatly enlarged and altered with single, double and treble wing blocks which has resulted in the loss of many original features, though their reddish rough-cast finish is typical of this area.
5. The proposed single storey extension would be added to a previous addition to the principal façade, elongating the extent of built form. Notwithstanding this or any other previous alterations to the original building, the scheme would include sympathetic red rough cast rendered walls which would sustain and enhance a key feature of the CA. Additionally, the extension would be of a very small scale and consequently not represent an overdevelopment of the site. Moreover, it would provide an appropriate adaption of the functionality of space within the care home by providing access to the garden area.
6. Furthermore, the extension would be built at a sunken former basement level that the appellant asserts was not part of the original designed façade. This is not disputed by the Council and based on my observations on site, I have no reason to disagree with this assertion. In that context, the proposal would be set into the ground below a boundary wall to the extent where views of it from the adjoining park or other vantage points would be mostly hidden. Consequently, views of the appeal building would be largely limited to the original ground floor levels and above. Therefore, the proposal would integrate with the existing site features and the massing and symmetry of the rear elevation would be maintained. Moreover, the effect of the development on the overall height, scale and roof profile of the original building would be negligible.
7. For these reasons I conclude that the proposal would preserve the character or appearance of the CA. As such, it would not conflict with policies DE1 or SS10 of the Torbay Local Plan 2012 to 2030 or Policy TH8 of the Torquay Neighbourhood Plan June 2019 which, together in this respect and amongst other things, seek to conserve and enhance the distinctive character and appearance of the CA by promoting development that functions well and is visually appealing, respecting public spaces. There would also be no conflict with paragraphs 131 or 139 of the Framework which in this respect say that good design creates better places in which to live and work and that significant weight should be given to development which reflects local design policies.

## Conditions

8. I have imposed the standard plans condition in the interests of clarity. A compliance condition in respect of tree protection measures is necessary in the interest of the character and appearance of the area. The Officer report notes that a drainage strategy condition would be recommended, though as the site is already in a residential use and a previously submitted drainage strategy includes an attenuation tank, it has not been shown that such a condition is necessary to make the development acceptable.

**Conclusion**

9. For the reasons given, I conclude that the appeal should succeed.

*J Hills*

INSPECTOR