

Appeal Decision

Site visit made on 7 February 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15.02.2024

Appeal Ref: APP/X1165/D/23/3334027

Mead View, Churston Road, Brixham, TQ5 0HU

- 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 & Mrs Paul & Sarah Harris against the decision of Torbay Council.
 - The application Ref P/2023/0707, dated 11 August 2023, was refused by notice dated 11 October 2023.
 - The development proposed is the formation of dormer extension to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been completed; this does not alter the way I assess the case.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

4. The host property is a sizeable end of terrace two storey home with simple pleasing elevations and a generous plot, agricultural land lies beyond the rear garden. The development in question is a large flat roofed dormer added onto the appeal property, replacing most of the rear roof slope. The site is within the hamlet of Churston which has a range of old and more recent residential premises that come together to form a locality of interesting established character and attractive appearance.
 5. The site lies within the Churston Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy SS10 of the Torbay Local Plan (LP) and Policy BE1 of the Brixham Peninsula Neighbourhood Plan (NP) reflect the importance placed on Conservation Areas.
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6. In the circumstances of heritage assets, it is important to respect the scale, proportions, shape and form of roofs within a locality as a whole when considering change. Whilst there is some evidence of modest dormers, for the most part the roofs in this Conservation Area play a simple and subsidiary role to the main elevations of the dwellings. The addition of this dormer with its style, size, position on the roof and relationship to fenestration below has unduly detracted from this quality. It is patently seen as an over-sized non-original and incompatible accoutrement to this dwelling and terrace. There is incongruity in design and marked change to the original suitably designed roofslope. It has created a visually unfortunate rear elevation. I recognise that this is hardly open to public view but nevertheless good design should be embodied in all development wherever it is and particularly so in a Conservation Area. Furthermore, views from nearby properties would be available.
7. This 'box-like' structure and its glazing unduly dominate the rear elevation of the appeal property and its environs. In all the circumstances it does not preserve the aesthetic qualities of the host property, the terrace and the locality.
8. Having regard to the foregoing I conclude that there would be conflict with S72(1) of the Act and LP Policy SS10 along with NP Policy BE1 as cited above; there would not be preservation of the character and appearance of the Conservation Area. Additionally, Policies DE1 and DE5 of the Torbay Local Plan 2015 and Policies BH5 and BH6 of the Brixham Peninsula Neighbourhood Plan, have relevance to the case. Taken together, and amongst other matters, they seek to ensure that development is well designed embodying suitable scale and massing, recognising townscape character, not representing over-development or domination of existing built form, and incorporating appropriate windows. I conclude that the appeal scheme would run contrary to these policies.

Other matters

9. I do understand the Appellant's wish to increase accommodation within the property given a working from home regime and a growing family. I appreciate there are dormers to be found on the terrace but these are very significantly smaller than the appeal proposal. I have considered dormers and decisions drawn to my attention from elsewhere but I found none to be directly comparable or 'precedents' given differing form, nature of host properties or wider context. In any event I have to assess the case before me on its own merits. I would agree with the Appellants that the materials used on the dormer are not a determining issue here.
10. I indicate in paragraph 2 above that I have to determine matters in a similar way to looking at a scheme which was coming forward for planning permission but has not been undertaken. I am in no doubt that if that had been the case, and assuming no new evidence, I would also not have granted planning permission and would have dismissed an appeal. I have to be consistent and not favour those that have knowingly, or in this case regrettably unknowingly, proceeded without planning permission being in-place first. I do have sympathy for the way in which the Appellants received changing advice from the Council and no clear guidance from installers or any private sector professionals in the first instance.

11. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

12. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellants, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR