



Appeal Decision

Site visit made on 30 April 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/X1165/D/24/3337031

57 Dunstone Park Road, Paignton, Torbay TQ3 3NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Davies, Devon Double Glazing, against the decision of Torbay Council.
 - The application Ref is P/2023/0226.
 - The development proposed is New Conservatory/extension with a warm roof to the front of the property to replace the decking area.
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Decision

1. The appeal is allowed and planning permission is granted for new conservatory/extension with a warm roof to the front of the property to replace the decking area at 57 Dunstone Park Road, Paignton, Torbay TQ3 3NF in accordance with the terms of the application, Ref P/2023/0226, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (Drawing No 2339-05A); Existing site plan (Drawing No 2339-07); Existing elevations (Drawing No 2339-04); Existing ground floor plan (Drawing No 2339-01); Proposed layout (Drawing No 2339-06); Proposed ground floor plan (Drawing No 2339-02); and Proposed elevations (Drawing No 2339-03).
 - 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 extension hereby permitted shall not be occupied until the window in the west elevation has been fitted with obscured glazing to at least Pilkington privacy level 4 (or equivalent standard). The window shall also be fixed shut unless opening parts are located higher than 1.7 metres above finished floor level or fitted with a 100mm opening restrictors. The window shall thereafter be retained in that condition.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site contains a semi-detached bungalow with a similar front elevation and projection as the adjoining semi-detached property (No 55). The area in the vicinity of the site contains several other semi-detached bungalows with a similar overall design at the front, including well-proportioned projecting gables. However, due to topography, some of those have differing roof levels, whilst others have front extensions. The surrounding area also contains various other bungalows, several of which have different designs and do not include similar front projecting gables. Whilst bungalows predominate the character and provide a degree of coherence, the surrounding area therefore has a relatively varied appearance.
4. With its additional forward projection, the development would unbalance the pair's matching frontage. However, due to the orientation and degree of separation to the public highway, the existing symmetry, whilst observable from the road, is not a particularly significant feature in the locality, despite the elevated situation. With the extension also further limiting public views of the front of No 57, it seems to me that the differing frontages would not be particularly noticeable except when near them, such as from the private track. The appeal proposal would not therefore significantly affect the streetscene.
5. Due to its scale and its position away from Dunstone Park Road, the proposed extension would not read as dominating the appeal property and No 55, eroding the spaciousness of the surrounding area, or a prominent feature in the streetscene. Although the eaves and ridge of the extension would not match the host building, the set down means that it would also read as a subservient, proportionate addition and would reflect the site's topography. In addition, whilst different to the gable of the adjoining semi-detached property, the hipped roof finish would not be harmful in the site's varied context.
6. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policies DE1 and DE5 of the Torbay Local Plan, The Plan for Torbay: 2012 to 2030 and Policy PNP 1(c) of the Paignton Neighbourhood Plan. Amongst other aspects, these set out that development should be well-designed and in keeping with the surroundings; and extensions will be permitted where they would not harm the character or appearance of the original property, any neighbouring properties or the street scene. The proposal would also be consistent with the provisions in the National Planning Policy Framework in relation to achieving well-designed and beautiful places.

Other matters

7. The Council considers that the proposed development would neither unreasonably obstruct light or outlook of the neighbouring attached property nor unacceptably dominate it. Based on the available evidence and given the scale and position of the extension proposed, I have no reason to disagree.
8. Concern has also been raised about the effect of the appeal proposal on the occupiers of No 55 with regards to privacy. Whilst the existing decking already allows for some potential overlooking of that property, the extension would increase this given its enclosed form would be likely to allow for greater use than the decking. The submitted sketches showing the conservatory outlines indicate that the finished floor level would also be higher than the decking.

However, as suggested by the Council, overlooking issues could be avoided by obscure glazing the west-facing windows and restricting their opening.

Conclusion and Conditions

9. For the above reasons, and having had regard to all other matters raised and the submitted evidence, I conclude that the proposed development accords with the development plan. The appeal is therefore allowed.
10. In addition to the standard time limit condition, I have imposed a plans condition in the interests of certainty. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. To ensure an acceptable level of privacy for adjoining occupiers, I have also imposed a condition relating to the glazing finish and opening of the west-facing window.

T Gethin

INSPECTOR