



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: 15th May 2024

Appeal Ref: APP/X1165/W/23/3332079

Pendennis Residential Care Home, 64 Dartmouth Road, Paignton TQ4 5AW

- 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 R Jupp against the decision of Torbay Council.
- The application Ref is P/2022/1291.
- The development proposed is Two storey extension.

Decision

1. The appeal is allowed and planning permission is granted for two storey extension at Pendennis Residential Care Home, 64 Dartmouth Road, Paignton TQ4 5AW in accordance with the terms of the application, Ref P/2022/1291, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and CA; and bats.

Reasons

Character and appearance

4. The appeal site contains a large, period property and a detached cottage. Although retaining its historic core and several decorative architectural features, the various extensions and alterations, described by the Council as functional rather than aesthetically driven, give the main property a disjointed appearance and mixed character overall. Whilst the driveway provides a glimpsed view into the site and to the built form beyond, boundary treatment and planting mean that public views of the part of the site where the proposed development would be located are relatively limited. The surrounding area contains various traditional, high-quality buildings with decorative features.
5. The site is within the Old Paignton CA. Based on the submitted evidence, the significance of the designated heritage asset stems from, amongst other things, its historic street pattern and the high-quality nature of its traditional late Victorian/Edwardian properties which form part of the 19th century expansion of Paignton's historic core. The site is defined by the Council's CA Character Appraisal as containing an 'other key building' which contributes to the townscape. However, with its main reference to the site concerning the boundary walls and planting

screening the extended formerly detached villa from view, and boundary treatment doing much to preserve enclosure and distance from the busy through route, the Appraisal does not identify the site as making an especially significant contribution to the CA. In addition, almost all other buildings in the CA are identified as other key buildings and building groups of architectural importance or which make a significant contribution to the townscape.

6. Accordingly, whilst positively contributing to its well-designed context and historic sense of place, the intrinsic interest and main contribution of the site to the CA stems from its boundary treatment along Dartmouth Road and the age, character and appearance of the original villa. However, the various extensions and alterations that have been carried out to the historic building serve to limit its overall contribution. The available evidence indicates that the building is also not a non-designated heritage asset.
7. By continuing the ridge of the cottage, the extension proposed would have a lesser scale and mass than the main property and be smaller than or similar to most other properties in the locality. Despite resulting in built form stretching across much of the site, it would thus read as a subservient addition and not compete with the main property or surrounding built environment, including on The Riviera and Elmsleigh Park. With its design and use of similar materials, it would suitably reflect the main property, cottage and others in the locality. With other flat roof elements present on the main property, the proposed flat roof at the rear would not read as an incongruous feature. It would also help differentiate the new from the historic, whilst the projection of the flat roof above the ridge of the cottage would not be particularly significant or noticeable.
8. Although adding to the changes to date, linking the main property and cottage and replacing some of the relatively poor-quality rear elements of the former would also rationalise and provide a more coherent, balanced overall form on the site. In addition, the appeal proposal would neither alter nor detract from the site's main elements that contribute positively to the CA, including boundary treatment and the villa's architectural features and historic core.
9. The proposed extension would read as a relatively minor feature in the public realm and would not be particularly visible in public views due to its position and the screening presence of boundary treatment and planting. Although it would close the gap between the cottage and main property, the current view from Dartmouth Road to the built form behind the site, which is fleeting and limited by boundary treatment and planting, is not particularly important. On my site visit I also observed that the buildings behind the site would still be visible above the proposed extension from the stepped path between Dartmouth and Roundham Roads.
10. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area or the CA, whose significance would be preserved. I therefore find that it accords with Policies DE1 and SS10 of the Torbay Local Plan, The Plan for Torbay: 2012 to 2030 (TLP) and Policy PNP 1(c) of the Paignton Neighbourhood Plan. Amongst other aspects, these seek to conserve all heritage assets; set out that development should be well-designed, respecting and enhancing Torbay's special qualities, including its areas of historic interest; and be in keeping with the surroundings. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed and beautiful places and conserving and enhancing the historic environment.

Bats

11. A Preliminary Ecological Assessment (PEA) was submitted with the appeal. Informed by a survey of the property's internal and external features, which found no evidence of use by bats and no significant potential for bats to be found, it concludes that the site has negligible roost suitability for bats. Based on the available evidence, I have no reason to disagree.
12. For the above reasons, and subject to the PEA's recommendations being implemented, I conclude that the proposed development would not harm bats. I therefore find that it accords with TLP Policy NC1 which, amongst other aspects, seeks to conserve Torbay's biodiversity.

Conditions

13. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
14. In addition to the standard time limit condition, I have imposed a plans condition in the interests of certainty. Given the site's position and the scale of development, a pre-commencement condition securing a construction management plan is necessary and reasonable in the interests of the safe and efficient operation of the highway and the living conditions of existing residents. Along with other controls related to Environmental Health for example, this condition would also deal with the concerns raised by a third party in relation to unused materials and pollution.
15. To protect the privacy of neighbours, I have imposed a condition related to window openings. A condition covering drainage is necessary in the interests of flood risk. However, because the requirements that would need to be covered by any alternative drainage scheme, if required, could be resolved between the parties at the appropriate time, I have not included all the details contained in the Council's suggested condition. To maintain highway safety, I have imposed a condition covering the parking and turning area. However, as the available evidence indicates that sufficient space would be provided for them, the condition imposed does not require further information to be submitted.
16. I have not imposed the Council's conditions relating to designing out crime and window and door details because I have little substantive evidence that such conditions are necessary to make the development acceptable and reasonable given its scale. However, in the interests of the character and appearance of the CA, I have imposed a condition related to external materials of the proposed development. In addition, in the interests of biodiversity and in light of the PEA, I have imposed a further condition requiring compliance with its recommendations.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development accords with the development plan as a whole. The appeal is therefore allowed.

T Gethin

INSPECTOR

SCHEDULE OF 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 (Ref 1173-19 – SLP); Site plan, existing (Ref 1173-19 / 1001); Ground floor plan, existing (Ref 1173-19 / 1700); First & second floor plans, existing (Ref 1173-19 / 1701); Elevations, existing (Ref 1173-19 / 1800); Site plan, proposed (Ref 1173-19 / 3001 A); Ground floor plan, proposed (Ref 1173-19 / 3700 A); First and second floor plans, proposed (Ref 1173-19 / 3701); Roof plan, proposed (Ref 1173-19 / 3702); Elevations, proposed (Ref 1173-19 / 3800); and Coloured elevations, proposed (Ref 1173-19 / 3801).
- 3) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable; measures to minimise noise nuisance to neighbours from plant and machinery; and construction working hours from 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and at no time on Sundays or bank holidays. The approved Plan shall be adhered to throughout the construction period.
- 4) No development above damp-proof course level shall take place for each element of the development until details of the proposed cladding materials (walls and roof) and openings for that element have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and shall be retained as such for the life of the development.
- 5) Prior to the occupation of the development hereby permitted, the first floor windows, including roof lights, in the western flank elevation of the development hereby permitted shall be fitted with obscured glazing to Pilkington privacy level 4 (or equivalent standard). The windows shall be fixed shut unless opening parts are located higher than 1.7 metres above finished floor level or fitted with a 100mm opening restrictor. The windows shall thereafter be retained in that condition for the lifetime of the development. No additional windows shall be inserted into the western elevation of the development hereby permitted without express consent from the Local Planning Authority.
- 6) Prior to the occupation of the development hereby permitted, the parking and turning areas shown on Drawing Nos 1173-19 / 3001 A and 1173-19 / 3700 A shall be provided and thereafter be kept clear of obstruction and shall not be used other than for the manoeuvring and parking of vehicles in connection with the development hereby permitted.
- 7) Notwithstanding the submitted flood risk assessment, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% allowance for climate change. If demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to surrounding buildings, roads and land, prior to any development above slab or ground level or

the creation of any hardsurface, details of an alternative means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the soakaways or other approved surface water drainage system have been provided on site and thereafter the soakways or other approved drainage system shall be retained and maintained.

- 8) The development hereby permitted shall be carried out in accordance with the recommendations contained within the submitted preliminary ecological assessment (Preliminary Ecological Assessment, 'Bat and Bird Survey', by Wills Ecology, dated 24 October 2023).

END OF SCHEDULE