



Appeal Decision

Site visit made on 9 May 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20th May 2024

Appeal Ref: APP/X1165/D/24/3340522

9 Saltern Road, Paignton TQ4 6NT

- 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 Bailey against the decision of Torbay Council.
 - The application Ref: P/2023/0892 dated 11 October 2023, was refused by notice dated 1 February 2024.
 - The development proposed is two storey rear extension to form additional accommodation and reconstruct existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has noted that not all of the plans can be accurately scaled from. I have also noted several inconsistencies between the proposed floor plans and the proposed elevations.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing building and of the local area, and
 - b) The effect of the proposal on the living conditions of the occupiers at No 7 Saltern Road, with particular regard to loss of outlook and overshadowing.

Reasons

Issue a) Character and Appearance

4. The appeal property is a semi-detached dwelling on the north side of Saltern Road, which comprises a variety of detached and semi-detached dwellings and bungalows. The properties on the north side of the road are set back from the road, with long front gardens. The property has existing single storey rear extensions.
5. The proposal would replace the existing ground floor extensions with a new extension and first floor extension over part of the ground floor extension, together with the reconstruction of the existing garage.

6. Notwithstanding the existing ground floor rear extensions, the proposed extension over two storeys would be very bulky in form and, in particular, in relation to the scale and proportions of the existing dwelling. Although the proposed first floor extension would not extend the full width of the dwelling and the roof would be set down from the main roof ridge line, it would be a very sizeable addition in its proportions and its design which would result in a top-heavy addition to the main dwelling. The proposed extension over two floors, given its depth and its bulk, would detract from the character and appearance of the existing dwelling.
7. Although at the rear of the building, there would be some glimpsed views of the depth of the extended property in street scene views, and in such views the depth and proportions of the extension would not relate well to the scale and proportions of the existing dwelling. It would appear as an over-dominant extension.
8. I therefore conclude that the proposal would materially harm the character and appearance of the existing property and of the local area. This would conflict with Policy DE1 of the Torbay Local Plan, Policy BH5 of the Brixham Peninsula Neighbourhood Plan and the National Planning Policy Framework (Framework), and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.
9. The Appellant has drawn my attention to the extensions at the neighbouring property (No 7) and the Council has also referred to the earlier extensions at No 15. Each proposal must be assessed on its individual merits but in so far as the information has been made available to me, I have taken them into account. However, I do not consider that they are comparable in terms of their proportions in relation to the host dwelling, with the extensions before me and they do not persuade me to a different finding.

Issue b) Living Conditions

10. The proposed first floor addition would be sited away from the neighbouring attached property at No 7. I have noted that some of the windows at No 7 at first floor level closest to the appeal property appear to be in obscure glass although the function of these rooms has not been provided to me. Because of the depth of the first floor extension, it would nonetheless be a very dominant structure which would have an adverse impact on the outlook for the neighbours at No 7, both in respect of rear facing rooms at first floor and from within their rear garden.
11. No technical information has been provided but given the orientation of the appeal property in relation to the neighbouring property at No 7, taken together with its depth and massing of the proposed extension, I consider that the proposal would result in some material overshadowing at the rear of No 7.
12. I therefore conclude that the proposal, and in particular the first floor extension would have an unacceptable impact on the living conditions of the occupiers at No 7, with particular regard to loss of outlook, over dominance and overshadowing. This would conflict with Policy DE3 of the Torbay Local Plan and paragraph 135 f) of the Framework, both of which amongst other matters seek to protect the living conditions of existing and future occupiers.

13. There is a first floor window shown in the side elevation of the proposed extension which would result in some overlooking and loss of privacy for the neighbours at No 7. However, were no other matters of concern and planning permission were to be granted, a condition could be imposed to require this window to be in obscure glass and non-openable at the lower level.

Conclusion

14. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR