



Appeal Decision

Site visit made on 14 May 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/X1165/D/24/3339136

4 Brookdale Park, Brixham, Torbay TQ5 9JL

- 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 Ms Tracey Lea against the decision of Torbay Council.
 - The application Ref is P/2023/1005.
 - The development proposed is single storey rear extension forming living/dining room and kitchen, side extension forming store and utility with room in roof, loft conversion with rear dormer roof extension and raising ridge height for 2 en-suite bedrooms.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development on the Application Form included some typographical errors which the Council corrected in its Decision Notice. I have adopted those corrections.
3. Whilst not expressly referred to in the reasons for refusal, the council's report submitted with the appeal refers to the effect of the proposals on the privacy of 2 Brookdale Park. The appellant's appeal statement responds to the points made by the Council and I have therefore included the effect on privacy in my assessment of the proposals.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the site and its surroundings;
 - the effect of the proposal on the living conditions of the occupiers of 2 and 6 Brookdale Park with reference to outlook, light and privacy; and
 - whether the proposed development makes suitable provision for the parking of vehicles.

Reasons

Character and appearance

5. Brookdale Park is a cul-de-sac of predominantly detached bungalows and chalet bungalows built on a hill. Some of the original bungalows have been extended to the rear including the creation of dormer windows. Another had a

side extension under construction at the time of my site visit. Each property is set back from the road with low boundary walls, front gardens and a mix of shrubs and vegetation creating a distinctive character. The buildings are generally well spaced with a number having driveways or parking spaces to the side.

6. The appeal concerns a bungalow (No 4) with a drive to the side giving access to a sloping, hard surfaced area to the rear. It is flanked on its south western side at a lower level by another bungalow (No 2) set at an angle to it. There is a chalet bungalow with a rear dormer window and single-story rear extension on its north eastern side (No 6). Due to the slope of the land, No 6 sits at a higher level than No 4. The angle of No 2 to No 4, coupled with the change in levels, means that the south western side elevation of No 4 is prominent in the view of Brookdale Park when entering the road.
7. In this context, whilst the rear extension would be largely screened from the road by existing buildings, the proposed side extension combined with the substantial dormer roof addition would be clearly visible. Due to the higher site level of No 4 relative to No 2, the increase in scale and bulk in this location would adversely impact on the appearance of the cul-de-sac especially when viewed up the hill from the road junction. By building almost up to the site boundary, it would close the space between Nos 2 and 4 and thereby appear unacceptably dominant in relation to the lower height of No 2. Although the proposed building materials would be in keeping with the site surroundings, the increase in the bulk of the bungalow would harm the character and appearance of the road.
8. I conclude therefore that the proposals would have an adverse effect on the character and appearance of the site and its surroundings. Hence, there would be conflict with policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (TLP) and policies BH5 and BH6 of the Brixham Peninsula Neighbourhood Plan 2019 (BPNP) which seek to ensure that development respects the character, amenity, and appearance of the surrounding area.

Living conditions

9. The property at No 2 has windows in the side and rear elevations facing towards the appeal site. The windows in the side are at an angle to the boundary and set beneath a canopy. However, the lower level of No 2 and the close proximity of the proposed side extension to the boundary means that there would be a harmful overbearing effect when viewed from that property. This would also result in a loss of daylight to the windows closest to the boundary.
10. The proposed rear extension would have two glazed sliding doors and a kitchen window facing towards No 2. The extension would be sited on the higher side of the existing paved area to the rear of No 2 and, as a result, the floor levels of the extension would be above the existing ground level at the boundary with No 2. Coupled with the relatively short distance to the boundary, this would lead to some loss of privacy to the windows and private amenity space to the rear of No 2. Whilst future planting is indicated on the proposed plan, no details of this have been provided and there is no substantive evidence before me to demonstrate that, if implemented, this would be sufficiently effective to screen views from the proposed windows.

11. The bungalow at No 6 is at a higher level than No 4 but has windows in its side elevation facing directly onto the proposed rear extension which would run parallel to the boundary. Whilst the extension would obstruct some light reaching those windows, the higher level of No 6 and the gap between it and the proposed extension would be sufficient to prevent there being an unacceptable loss of light or overbearing effect on No 6.
12. Despite my findings in relation to No 6, I conclude that the proposed development would have an adverse effect on the living conditions of the occupiers of No 2 with reference to outlook, light and privacy. This would be in conflict with TLP policies DE3 and DE5 and BPNP policy BH6 which aim to protect the amenity of neighbouring residents.

Parking

13. The existing bungalow has a driveway to its side. Whilst the proposed extension would result in the loss of a significant section of the drive, the proposed plans incorporate two car parking spaces to the front of the property. The appellant's evidence indicates that whilst these parking spaces have been designed to be 4.8m deep, the area available between the building frontage and the back of the highway is 5.5m wide and 6m deep. This would be sufficient to meet the council's parking requirement for the proposed 3-bed dwelling. Even if it did not, I have seen no evidence to suggest that a limited amount of on street parking could not be accommodated in the vicinity of the site. As a relatively short cul-de-sac, pedestrian and vehicular traffic is light and there would not be unacceptable harm to highway safety.
14. The proposed parking spaces would still allow some of the front garden to be retained and would not in themselves harm the character or appearance of the road.
15. I therefore conclude that the proposal does not conflict with TLP policies DE3, TA2 and TA3 regarding the requirements for off street parking.

Other Matters

16. Whilst no objections were received to the proposals from any third parties, including the Brixham Neighbourhood Forum, for the reasons outlined above the proposals would cause clear harm which gives rise to the conflict with the development plan.

Conclusion

17. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

R Kent

INSPECTOR