



Appeal Decision

Site visit made on 27 June 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/X1165/D/24/3342294

1 Broad Reach, Paignton TQ4 6JZ

- 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 Mrs Jeanette Aram against the decision of Torbay Council.
 - The application Ref is P/2023/0874, dated 6 October 2023, was refused by notice dated 22 January 2024.
 - The development proposed is described as First floor extension; ground floor extensions; creation of a first floor balcony; changes to windows and materials and associated landscaping works.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effects of the development on the character and appearance of the area and upon the living conditions of existing and future occupiers of neighbouring properties, having particular regard to the effects upon No. 2 Broad Reach.

Reasons

Character and appearance

3. No.1 Broad Reach is a detached bungalow with first floor accommodation within its roof space. The property is located in a pleasing residential environment which due to its positioning on the rising topography sloping upwards to the north/ north-west, has views across towards Hookhills Viaduct, the valley below and the coastal environment to the east.
4. As set out in the Broadsands Village Design Statement, which accompanies the Brixham Peninsula Neighbourhood Plan 2012 to 2030 (the NDP), the surrounding area is characterised by mostly C20 and C21 detached properties, including modernist flat roofed houses, detached bungalows, occasional substantial detached houses and more recent contemporary dwellings and apartments.
5. The proposal seeks to extend the existing property upwards and to the side of the existing front gable, with a more modern design approach.
6. No. 1 is positioned close to the eastern and western site boundaries. The building form also steps out from the rising topography behind to the north, with an undercroft below the existing property's ground floor which results in it

having an elevated building mass when perceived from Broad Reach and the wider area. The ground floor level of the existing property is at a higher level than the ground floor levels to the properties on either side.

7. I do not have any particular objection as a point of principle to a modern design at the site that would respond positively to the style and characteristics of other properties in the area. However, in the case of the development before me, I do not consider that the increase in building mass and form proposed would assimilate well into its surroundings. This would be due to a combination of the positioning of the development to the forward end of the appeal site, the elevated level of the proposal in comparison to the surrounding topography and neighbouring properties, and the proximity of the proposal to the site boundaries whereby the building form would take up the majority of the width of the site. I am also not convinced that the use of black timber cladding at first floor level, would appropriately assimilate with the style and appearance of the built form in the area, the prevalence of which consist of rendered elevations. For these reasons, the development proposed would appear incoherent, unduly prominent, cramped and domineering within its setting and therefore out of place within its plot and within the surrounding context to the detriment of the character and appearance of the area.
8. As a consequence, I find that the proposal would conflict with Policy DE1 of the Torbay Local Plan 2012 to 2030 (the LP), and Policies BH5 and BH6 of the NDP, which collectively, amongst other matters, seek to secure development that is well designed, which respects the character and appearance of the surrounding area. The proposal would also conflict with paragraph 135 of the National Planning Policy Framework 2023 (the Framework), which, amongst other matters, requires development to be sympathetic to the surrounding built environment.

Living conditions

9. The proposal would increase the building mass of No.1 in close proximity to the appeal site boundaries. As a result of the existing levels of No.1, the increase in building mass that would result from the proposals would be at a higher level to that of the neighbouring property of No. 2 Broad Reach situated to the east. In my view, the nature of the building form proposed, and the resultant elevated level and proposed positioning within the appeal site in relation to the neighbouring property, would result in an oppressive building development that would appear physically overwhelming to the occupiers of No. 2.
10. Further, the appeal proposal would have a balcony level at its first floor level, and whilst this would be offset back from the neighbouring boundary in part by the proposed staircase/ landing area, it would nonetheless enable views out towards No. 2 at an elevated level, which would include angled views into the window within the gable of No.2. Whilst I acknowledge there is already a window on No.1 that would allow for views into the window and other private areas of No.2, it seems to me that the balcony area as proposed, which would be accessed via a landing area and via the master bedroom, would be likely to be of a greater and more social use than the existing side window which serves a room in the loft space of No.1. The balcony area as proposed would therefore increase the potential for overlooking onto and into areas of private space of No.2. Therefore, the proposal would result in harm to the living conditions of existing and future occupiers of No. 2.

11. Turning to the effects on other properties in the area, I am satisfied that due to the separation distances involved between the appeal site and these properties, and the positioning and their particular detailing in terms of windows and outlook, the development proposed would not result in any significant impact upon their living conditions.
12. However, for the above reasons, having regard to the effects of the development upon the living conditions of No.2 Borad Reach, I find conflict with Policy DE3 of the LP, which amongst other matters, requires that development should not unduly impact upon the amenity of neighbouring and surrounding uses, including matters that would impact upon visual intrusion, overlooking and privacy and would be of a scale that would be overbearing. The proposal would also conflict with paragraph 135 of the Framework, which amongst other matters requires development to create places with a high standard of amenity for existing and future users.

Other matters

13. Whilst I appreciate that Broad Reach is narrow in width and on-street parking is restricted, the proposals before me are for householder alterations, whereby the net increase in residential units using Broad Reach will not increase from the existing position. Further, whilst I note that the vehicular site entrance as proposed would be widened, I do not consider this would result in any significant effect upon the highway parking arrangements or the highway safety in the area. I am also satisfied that any highway effects with regard to construction traffic could, if necessary, have been appropriately managed via planning conditions, if I had been minded to allow the appeal. Therefore, whilst I have given the points raised by local residents on this matter careful consideration, they do not materially change my overriding conclusions on the appeal proposal in line with the development plan and material planning considerations.

Conclusions

14. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR