



Appeal Decision

Site visit made on 15 August 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/X1165/D/24/3346659

Hatley, 20 Collingwood Close, Torquay, TQ1 2DN

- 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 R Brinkley against the decision of Torbay Council.
 - The application Ref is P/2023/0845.
 - The development proposed was described as '*proposed alterations & extensions + garage to form bedrms to roof area extension ground floor bed rm/en-suite/utility/tv lounge & porch rear of existing kitchen WC/lobby*'.
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Decision

1. The appeal is dismissed insofar as it relates to removal of second vehicular access to the front garden and the erection of a new double garage.
2. The appeal is allowed insofar as it relates to the demolition of part store/garage, the erection of a single-storey side extension, a rear porch extension and roof extensions to front and rear to form bedroom/hobby room to loft area, with balcony and planning permission is granted for the demolition of part store/garage, the erection of a single-storey side extension, a rear porch extension and roof extensions to front and rear to form bedroom/hobby room to loft area, with balcony at Hatley, 20 Collingwood Close, Torquay, TQ1 2DN in accordance with the terms of the application, Ref P/2023/0845 and the plans submitted with it so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Drg Nos 202326/1, 202326/2, 202326/3, 202326/4A, 202326/5A and 202326/7A.
 - 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 development hereby permitted shall be carried out in accordance with the biodiversity enhancement recommendations of the Preliminary Ecological Assessment report dated 16 November 2023, prepared by George Bement Associates, and the biodiversity enhancement measures shall thereafter be retained.

Procedural Matter

3. My formal decision uses a version of the Council's description of the proposed works which more clearly describes the entirety of the development compared with that which was given on the application form, and which I have quoted in the banner heading above.

Main Issue

4. The main issue is the effects of the proposal upon the character and appearance of the area, including the Lincombes Conservation Area.

Reasons

5. The appeal property is a detached bungalow along a pleasant residential cul-de-sac and set within a slightly wider estate development comprising a mix of property types dating from the second half of the 20th Century. The site is located towards the southern, coastal edge of the Lincombes Conservation Area (CA), an expansive peninsula area overlooking Tor Bay comprising predominantly low-density residential development including, I observed, some grand 19th Century villas set within leafy walled gardens.
6. No 20 sits on the inside of a bend along the north-east side of Collingwood Close and on the upside of the area's slope. In common with other immediately adjoining properties to this side, it is deeply recessed behind its open and tiered garden frontage and sits elevated above the road's levels. Collingwood Close opposite the appeal site is noticeably different in character with either rear garden walled enclosures tight to the back edge of the pavement, or else with rear vehicle access and associated low-rise garage blocks serving properties along the much lower level of Rock End Avenue. I observed during my visit that due to the steeply sloping land, when looking south and west from Collingwood Close, the eye is principally drawn to the expansive views over and far beyond the roadside enclosures. Therefore, despite their presence, I found Collingwood Close to be a tranquil and pleasant residential road with well-maintained gardens that are dominant, and a general feeling overall of spaciousness and quality that makes a positive contribution to the overall character and appearance of the CA.
7. The proposal comprises two distinctly separate elements. First, the dwelling would be significantly remodelled with extensions and alterations. Its ridge height would be raised with a steeper pitched roof and gabled additions inserted to the front and rear slopes to provide some new living space at first-floor level. The existing deeply recessed attached flat-roof garage would be repurposed as additional ground-floor living space and extended front and rear, together with a further, small rear ground-floor kitchen extension. Second, a double-width detached garage is proposed in the front corner of the property's front garden covering one half of an existing carriage drive arrangement.
8. Properties along Collingwood Close and the wider area vary considerably in scale, form, and appearance. Individual styles prevail. The existing bungalow has a wide base and a shallow pitch hipped roof. No 19 to one side is a two-storey dwelling with a central full height gable feature. No 21, on the opposite side, is a former bungalow but which has been modified with a dominant forward projecting contemporary two-storey gable.

9. Given the existing mix, I do not consider No 20 to be overly sensitive to change. The raised ridge height would not be excessive. Neither would it be overly tall in relation to the scale of other nearby properties. The steeper roof pitch would not be uncharacteristic. I share the appellant's view that the proposed changes do not conform to the traditional idea of a dormer window insertion on an existing roof. Although the gabled extensions front and rear would be large, I find the changes would appear well-considered and as a comprehensive and fully integrated remodel of the building's roof form. With no established uniform or regimented building type, I am unable to identify how the roof alterations would jar with their surroundings, as is suggested by the Council. The altered form of No 20 would merely add to the eclectic mix of building styles that already exist along Collingwood Close.
10. The Council are happy that the other single-storey elements of the proposal would not impact the character or appearance of the dwelling. I have no reason to disagree.
11. The proposed garage would occupy space within the property's front garden and on land that is currently open. It would sit close to the back edge of the footpath on the inside of a bend, where Collingwood Close turns towards its terminal end.
12. The recessed position of No 20 and its open, landscaped frontage, along with the contributions made by other similar arrangements to properties to this side of Collingwood Close, plays an important role in helping to define the area's distinctive character. The garage would erode a significant part of the property's open frontage. Furthermore, it would stand proud as an isolated utilitarian outbuilding and in a prominent position, appearing incongruous within its front garden setting, particularly in the vista looking north-west when approaching along Collingwood Close where it would be seen head-on. I am not persuaded that its visual impact would be mitigated to any meaningful degree by any additional planting.
13. The appellant points to the garages on the opposite side of the road and others more widely within the locality to the front of other properties. For the reasons I have amplified above, I share the Council's views that the garages opposite stand within a different context. I observed a variety of house types and garage arrangements within the wider area which typically reflects its mixed character. However, I saw nothing in terms of siting or visual impact to compare with the proposed garage at No 20. Circumstances elsewhere do not justify the visual harm that I have identified. Neither does the appellant's desire to have a functioning garage facility to house their motor vehicles.
14. Overall, I find the proposed alterations and extensions to the dwelling would sit comfortably within the plot with no harm to the established character or appearance of the area. It follows that the CA's significance as a heritage asset would be unaffected by this part of the proposal. In terms of the garage, I find that due to its size and siting, it would appear harmful to the character and appearance of the street scene. As a consequence, the proposed garage would neither preserve nor enhance the character or appearance of the CA.
15. Having regard to paragraph 205 of the National Planning Policy Framework (the Framework), the harm arising from the proposed garage to the significance of the CA would be less than substantial. However, this does not equate to a less than substantial objection and any harm to a designated heritage asset

requires clear and convincing justification in line with paragraph 206. Furthermore, in line with the Framework's paragraph 208, such harm should be weighed against the public benefits of the proposal.

16. Given the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, I have attached significant weight to the harm that I have identified to the historic environment. No public benefits from the proposal have been put forward to weigh in the balance. I have noted the appellant's questioning of the area's inclusion within the CA boundary, but it is not for me to consider the area's designation as part of a s78 planning appeal.

Conclusions

17. For the reasons given, I find the proposed alterations and extensions to the dwelling would not harm the character and appearance of the area. In this regard I find no conflict with the design considerations of Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (the Local Plan), or with the similar requirements of Policy TH8 of The Torquay Neighbourhood Plan (TNP), adopted in June 2019. Neither do I find conflict with the Framework's objectives for achieving well-designed and beautiful places and for conserving and enhancing the historic environment.
18. On the other hand, for the reasons given I find the proposed garage would be harmful to the character and appearance of the area and the Lincombes Conservation Area. This part of the proposal would conflict with the design considerations of the Local Plan Policies DE1 and DE5 and TNP Policy TH8. It would also conflict with the Framework's objectives for achieving well-designed and beautiful places and for conserving and enhancing the historic environment.
19. In these circumstances it is appropriate to issue a split decision and therefore the appeal is allowed in part and dismissed in part.

Conditions

20. A condition specifying the relevant plans is necessary as this provides certainty. In order to safeguard the character and appearance of the area a condition is required to ensure that the part of the development hereby permitted is finished in materials to match the existing dwelling.
21. Local Plan Policy NC1 requires that all development should positively incorporate and promote biodiversity features. The planning application was accompanied by a Preliminary Ecological Assessment (PEA) which recommended some biodiversity enhancement through the installation of bat and bird boxes. The Council's officer's report states that had the planning application been deemed acceptable; the biodiversity enhancements would have been secured by condition. I consider the proposed enhancements to be proportionate and justified by Policy NC1. A condition is therefore necessary to ensure that the measures set out in the PEA are carried out and retained.

John D Allan

INSPECTOR