



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: 30th August 2024

Appeal Ref: APP/X1165/D/24/3343505

5 Princes Road East, Torquay, Torbay, TQ1 1PF

- 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 J L Peter against the decision of Torbay Council.
 - The application Ref is P/2023/0789.
 - The development proposed is described as a '*First floor extension to form specialist bathroom*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor extension at rear at 5 Princes Road East, Torquay, Torbay, TQ1 1PF in accordance with the terms of the application, Ref P/2023/0789, 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 TQ/0032/23/1, TQ/0032/23/2, TQ/0032/23/3, TQ/0032/23/4, TQ/0032/23/5 and TQ/0032/23/6.
 - 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 Ecological Assessment report dated 30 November 2023 prepared by Devon Ecology, and the biodiversity enhancement measures shall thereafter be retained.

Main Issues

2. The main issues are the effects of the proposal upon the character and appearance of the area, and upon the living conditions at 3 Princes Road East in terms of visual impact and light.

Reasons

Character and Appearance

3. The appeal property is a two-storey, terraced house within a residential neighbourhood. Due to the area's topography, along with others in the terrace, No 5 is set above the levels of the road and has a steeply rising and tiered rear

garden. The attached building to one side at Nos 5a and 5b is an obvious later construction with a flat roof. To the opposite side the terrace continues with properties of similar age and appearance to No 5. The appeal property has a shallow, half-width, two-storey projection to the rear with a flat roof and a single-storey projection to a similar depth adjacent to the boundary with No 3. A similar arrangement is mirrored at No 3. Other, two-storey flat roof projections were evident along the back of the terrace when viewed from the upper portions of the rear garden of the appeal property. The proposal would add a first-floor flat roof extension over the existing single-storey projection to tie in with the existing two-storey element and which would extend up to the shared common boundary with No 3.

4. Two-storey flat roofs are seen as existing and prevalent features to the rear elevations of properties in the area. The appeal proposal would match the existing arrangement to the rear of No 5 in terms of scale, form, and materials. It would also reflect a plethora of other flat roofs at a similar height within the immediate surroundings. Given this context, I cannot agree with the Council's assertion that it would be an unsightly or incongruous addition. The circumstances of the case lead me to find that the proposal would relate well to the surrounding built environment without any adverse effects upon the character or appearance of the original property, any neighbouring properties, or the street scene in general.
5. For these reasons, the proposal would comply with the design considerations of Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (the Local Plan), and with the similar requirements of Policy TH8 of The Torquay Neighbourhood Plan, adopted in June 2019. For the same reasons I find no conflict with the National Planning Policy Framework's objectives for achieving well-designed and beautiful places.

Living Conditions

6. The proposed extension would be shallow in depth, measuring only 1.75m, sufficient to accommodate an open-plan, en-suite shower room to provide for a dependant family member. I have been provided with no substantive evidence to demonstrate how light to No 3's first-floor bedroom window would be affected. The rear elevation of the terrace is orientated to face south-east. The first-floor window to the rear of No 3 would continue to receive direct sunlight for a significant proportion of the morning, unaffected by the modest projection of the appeal proposal. I am not persuaded that there would be any impact upon light to the neighbour's first-floor bedroom window that would be significant.
7. The extension would undeniably be seen in the outlook from the nearest first-floor bedroom window at No 3, but only at an angle of vision. Moreover, due to its shallow depth, I am satisfied that the extension would not appear unduly bulky, overbearing or visually intrusive.
8. No ground floor windows to No 3 would be impacted by the proposed extension.
9. Overall, I am satisfied that there would be no impact upon the living conditions at 3 Princes Road East that would be significant or harmful. As such, there would be no conflict with Local Plan Policy DE3 as far as it seeks, amongst other things, to safeguard the amenity of neighbouring occupiers.

Conditions

10. 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 development is finished in materials to match the existing dwelling.
11. Local Plan Policy NC1 requires that all development should positively incorporate and promote biodiversity features. The planning application was accompanied by an Ecological Assessment (EA) which recommended some biodiversity enhancement through the installation of a bat box on the property's rear elevation. 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 EA are carried out and retained.

Conclusion

12. I have found that the proposal would harm neither the character or appearance of the area, nor the living conditions at 3 Princes Road East. Accordingly, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR