



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: 30 August 2024

Appeal Ref: APP/X1165/D/24/3343747

53 Bolton Street, Brixham, Torbay, TQ5 9BZ

- 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 Stewart Griffiths against the decision of Torbay Council.
 - The application Ref is P/2023/0945.
 - The development proposed is a rear dormer loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of 53 Bolton Street and the Brixham Town Conservation Area, including also the setting of nearby listed buildings.

Reasons

3. The appeal property is a two-storey house along a long terraced row occupying a very small plot with only a shallow front garden adjacent to the back edge of the pavement to the west side of Bolton Street and with a small courtyard space to the rear. Glenmore Road runs parallel to Bolton Street and close to the plot's rear boundary but at a significantly higher level due to the area's topography. As such, from this aspect the appeal property gives the impression of a single-storey building, with the rear pitched roof openly seen in public views just above eye level. There is parking for two vehicles side by side on space between the rear boundary of the application site and the back edge of the pavement along Glenmore Road. The site lies within the Brixham Town Conservation Area which covers an extensive area and which includes a significant range of buildings, uses and spaces. The immediate area around the appeal site consists principally a mix of different styled 19th Century dwellings, many altered in a variety of ways. There are some ground floor commercial uses along parts of the terrace to the west side of Bolton Street and some grade II listed buildings opposite. The proposal would involve the construction of a rear dormer roof extension.
4. The proposed dormer would span almost the full width of the dwelling's rear, shallow pitched roof. Although it would be set up from the eaves to a degree, it would be set only marginally down from the ridge and as a consequence it would dominate the rear roof slope. Its flat roof would show no respect for the

original pitched roof form of the dwelling. Despite the use of slate to a false pitch around its perimeter, the 'box-like' form with a rendered face and cheeks would appear more as an added storey rather than a modest and subservient roof addition. For this reason, I cannot agree with the appellant's assertion that it would reflect a normal and typically acceptable rear dormer in a residential area. In my judgement it would detract from the simple form of the existing building. This would be harmful to its character and appearance.

5. I saw for myself many roof alterations and extensions to the rear of the terrace. These are openly visible in public views along Glenmore Road at close quarters and are seen dominant along this side of the street as a disparate array, with little apparent order to the development pattern. The alterations vary enormously in terms of scale and appearance and stand in noticeable contrast to the better presented and regimented terraced houses to the opposite side of Glenmore Road when viewed at street level. However, there are other rear roof slopes to the properties along Bolton Street that are unchanged, or else those where dormer extensions have been added in more sympathetic and modest forms. I do not know the planning background to any of the existing changes. However, poor design does not justify further poor design and I do not consider a mixed bag of some ill-conceived roof alterations to be representative of the area's essential character.
6. I accept that not all elements of a conservation area necessarily contribute to its significance. However, the traditional roofscape to the appeal property makes a positive contribution to the area's character and appearance, even if only minor. Although it may only be in draft form, I share the sentiment behind the Brixham Town Conservation Area Appraisal's assertion that dormer windows out of proportion to the building footprint, and which have little or no relevance of design to original roof types where they exist, are damaging and detrimental to the special character of the conservation area.
7. Having regard to paragraph 205 of the National Planning Policy Framework (the Framework), the harm arising from the proposed rear dormer to the significance of the conservation area in this instance 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.
8. 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 conservation area, I have attached significant weight to the harm that I have identified to the historic environment. I accept that the proposal would bring about improvements to a modest dwelling, which in turn may improve the local housing mix in terms of property sizes. I also accept that there may be some improved energy efficiencies. However, the weight I attach to these factors in terms of public benefits does not outweigh the harm that I have identified.
9. I have considered the effect of the proposal upon the setting of nearby listed buildings on the east side of Bolton Street at Drake House, the United Reformed Church and at Nos 36-42 (even). Although these buildings may be seen when looking towards the rear of the appeal property from higher ground

to the west, including from Glenmore Road and Parkham Road, they would only be glimpsed and only in part, within a very wide vista. I am not persuaded that the changes to No 53 would be viewed in any meaningful way within the context of these nearby listed buildings. I am satisfied therefore that the setting of these nearby heritage assets would be unaffected.

10. I appreciate the appellant's desire to improve their home, and to make space within it to accommodate their needs. I can also understand their frustrations in light of past developments in the area. However, for the reasons given, I find that the proposal would harm the character and appearance of 53 Bolton Street and the Brixham Town Conservation Area. As such, there would be conflict with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030 and Policies BE1, BH5 and BH6 of the Brixham Peninsula Neighbourhood Plan 2012-2030, adopted in June 2019, which between them seek to ensure, amongst other things, that development proposals, including specifically dormer windows, are well-designed and respectful of the character and appearance of the surrounding area, and conserve all heritage assets.
11. Accordingly, having regard to the conflict with local and national policy, and all other matters raised, I conclude that the appeal should fail.

John D Allan

INSPECTOR