



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/24/3345235

6 Horseshoe Bend, Paignton, Torbay, TQ4 6NH

- 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 and Mrs Stickley against the decision of Torbay Council.
 - The application Ref is P/2024/0115.
 - The development proposed was described as '*extensions to front, side, and rear, and general re-ordering*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two-storey extensions to side and rear, single-storey extension to front, alterations to garage, new solar panels, windows and doors at 6 Horseshoe Bend, Paignton, Torbay, TQ4 6NH in accordance with the terms of the application, Ref P/2024/0115, 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: Site Location Plan at scale 1:1250, Block Plan at scale 1:500, and Drg No 24.1102/01.
 - 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 27 July 2023 prepared by George Bemment Associates, and the biodiversity enhancement measures shall thereafter be retained.

Procedural Matter

2. My formal decision uses the Council's description of the proposed works and which was repeated by the appellants on the appeal form. This more clearly describes the entirety of the proposal compared with that which was given on the application form, and which I have quoted in the banner heading above.

Main Issues

3. The main issues are the effects of the proposal upon the character and appearance of the host property and wider street scene, and upon the living

conditions at 8 Horseshoe Bend, with particular regard to visual impact and privacy.

Reasons

Character and Appearance

4. The appeal property is a two-storey, semi-detached dwelling within a residential neighbourhood comprising a mix of property types and sizes. When seen from Horseshoe Bend, the central core of the building as a whole has a hipped roof. However, each property in the semi-detached pair has two-storey flat-roof side wings which continue the building's front facing eaves line. No 4 has further two-storey flat roof elements that continue to the rear of the property, and which project sideways in a recessed position. The appeal property has an attached, flat roof garage to the side that is linked to a flat roof, single-storey element which wraps around the side and part of the dwelling's rear elevation. Beyond this is a lightweight conservatory addition. Contrary to the Council's implied assertion within their stated reason for refusal No 1, the semi-detached pair are not visually balanced.
5. The proposal would include extensions that would square the building's footprint to the front at single-storey with a small porch infill addition, and which would replace the ground-floor wraparound element and conservatory with a new rear extension across the full width of the main part of the dwelling. At first floor, the existing flat-roof side wing would be extended to the side in a recessed position and projected backwards, extending to the rear of the original dwelling to a depth equivalent to the new ground floor addition, and over approximately half the width of the property.
6. Based on my observations, it is difficult to discern, or understand, the original form of this semi-detached pair. Nevertheless, its current arrangement is dominated more by the flat roof form of both properties rather than the hip roofed element. Moreover, original two-storey, flat roofed dwellings are commonplace along Horseshoe Bend including two semi-detached pairs immediately adjoining the appeal site at Nos 8-14 (even). These too display recessed side projecting two-storey elements and in the case of No 14, a large, two-storey side extension, unbalancing the original appearance of the semi-detached pair, yet integrating itself successfully into the street scene. Many other roof forms and configurations are present within the wider locality.
7. Given the very eclectic mix of building types, shapes and roofs within the area, and the specific way Nos 4 and 6 appear to have evolved, I do not agree with the Council that the proposal would appear visually unappealing, unsightly, or incongruous. On the contrary. The flat roof form of the extensions would tie in with the current appearance of No 6 and its attached neighbour and would restore a degree of balance to the pair. The additions would undeniably add bulk but they would not project excessively beyond the side or rear elevations of the building. They would align with the building's existing eaves height, with window patterns and materials to match. Unusual it may be, but overall, I find that the proposal would appropriately respect and relate to the character and appearance of the existing dwelling and wider locality.
8. As such, I find no conflict with the design considerations and principles of Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (the Local Plan) and the similar requirements of Policy PNP1(c) of the Paignton Neighbourhood Plan,

adopted in June 2019. Neither do I find conflict with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed and beautiful places.

Living Conditions

9. The side common boundary between the appeal property and 8 Horseshoe Bend is on a slight splay such that the dwellings' rear elevations are angled marginally towards each other. Nevertheless, the main two-storey bulk of each dwelling is well separated from the boundary.
10. The proposed extension at first-floor level to No 6 would remain to be set well-away from the shared side boundary with No 8. It would also project only slightly beyond the rear building line of No 8 and separated from it by a reasonable margin. I find nothing about the extension's siting or scale that would appear overbearing or visually intrusive when seen in the outlook from No 8 or when viewed from its rear garden setting.
11. There are no first-floor windows proposed to the side elevation of the extension. A rear facing bedroom window would look down the garden of the appeal property and only obliquely across the lower part of the neighbouring rear garden. This would reflect a typical relationship between neighbouring properties in a residential setting. There would be no degree of additional overlooking that would be significant.
12. Overall, I am satisfied that there would be no harm to the living conditions of neighbouring occupiers. As such, there would be no conflict with Local Plan Policies DE3 or DE5, or with the Framework, as far as they seek to safeguard the amenity of neighbouring occupiers.

Conditions

13. 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.
14. 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.

Conclusion

15. I have found that the proposal would harm neither the character or appearance of the host property and wider area, nor the living conditions at 8 Horseshoe Bend. Accordingly, and having regard to all other matters raised, the appeal is allowed.

John D Allan INSPECTOR