



Appeal Decision

Site visit made on 27 September 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/X1165/D/24/3349917

21 North Rocks Road, Paignton TQ4 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Butler against the decision of Torbay Council.
 - The application Ref: P/2023/0937.
 - The development is the formation of detached garage to front elevation with 6m x 2.4m high laurel high hedge.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of detached garage to front elevation with 6m x 2.4m high laurel high hedge at 21 North Rocks Road, Paignton TQ4 6LF, in accordance with the terms of the application dated 31 October 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: (i) Location Plan and Block Plan Drawing No. 01, (ii) Proposed Elevations Drawing No. 03, and (iii) Proposed Elevations Drawing No. 04.
 - 2) The frontage laurel hedge at the site shall be provided, retained and maintained in strict accordance with the details hereby permitted and as shown on the approved Proposed Elevations Drawing No.3 and Proposed Elevations Drawing No.4.

Preliminary Matters

2. I observed on my site inspection that the development has been substantially completed and, therefore, retrospective. I have assessed the appeal on this basis.
3. I am aware that the planning application was subject of a Judicial Review following the issuing of an incorrect decision notice, which was quashed and returned to the local planning authority for re-determination. This appeal follows the Council's decision to refuse planning permission following the subsequent re-determination process.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is a detached dwelling located on the southern side of North Rocks Road, Paignton. Properties along North Rocks Road, including the appeal site, are set back from the highway. The character of the area is residential with a uniformity in the style of many of the dwellings albeit some have been updated using more modern materials. The character of the frontages along North Rocks Road is varied comprising a range boundary treatments
6. The garage subject of this appeal has been constructed and appears to be substantially completed. It has a modern appearance using dark grey cladding and darkened sedum roof. The garage is located to the front of the dwelling but set behind a laurel hedge that has been planted along the appeal site's frontage. The garage is sited in the northeast corner of the site within the driveway. The footprint of the garage is of a standard size and fits comfortably within the driveway area without it appearing as unduly cramped or cluttered.
7. The overall size and height of the garage is similar in scale to other garages and outbuildings present along North Rocks Road. The materials used, whilst more modern than some outbuildings, relate well to the host property and ensures that it assimilates well in design terms in the context of its site.
8. The laurel hedge that has been planted provides effective screening to the development to the extent that it is not unduly visible or prominent in the street scene. As such, the development does not have any materially harmful impact on the North Rocks Road street scene.
9. I note that the Council officer's report states that the street scene has an open character. Whilst there are open frontages, I also observed there are a number of properties that have high hedges similar to that subject of this appeal. It is also evident that a key character feature of the area are frontages comprising hedges and other vegetation, which the appeal proposal and its laurel hedge is clearly consistent with. I find, therefore, that the hedge at the site makes a positive and complementary contribution to the existing verdant street scene.
10. The hedge also has a positive and important role in ensuring the garage does not appear as unduly conspicuous within the street scene. Accordingly, it is important for the hedge to remain in situ to provide ongoing screening to the development to ensure the character and appearance of the street scene is maintained. I am satisfied that the retention of the hedge can be secured through a suitably worded condition, which I discuss in further detail later in this decision.
11. To conclude, the garage and hedge are acceptable in design terms and accord with Policy DE1 of the Torbay Local Plan 2012 to 2030 (2015) and Policy BH5 of the Brixham Neighbourhood Plan 2012-2030 (2019). Amongst other things these require development to be uncluttered and attractive, relate to the surrounding built environment in terms of scale and height, integrate and demonstrate good quality design and respect the character and appearance of the surrounding area.

Conditions

12. I have reviewed the Council's suggested conditions and agree that a condition that specifies the approved plans is necessary to ensure clarity and precision in terms of what has been approved. As the development has been substantially completed it is not necessary to include the standard time limit condition or a condition requiring materials to be used in the construction of the external surfaces to match those used in the existing building.
13. As discussed above, it is necessary to include a condition to ensure the hedge is retained in perpetuity to ensure the character and appearance of the area is safeguarded.

Conclusion

14. For the reasons given above, the development subject to conditions is consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I therefore conclude that the appeal should be allowed.

N Perrins

INSPECTOR