

Site visit made on 12 November 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/X1165/D/24/3350973
83 North View Road, Brixham, TQ5 9TS

- 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 Barry and Julie Tricklebank against the decision of Torbay Council.
- The application Reference is P/2023/0687.
- The development proposed is the formation of an extension to rear with other external alterations.

Decision

1. The appeal is allowed and planning permission is granted for the formation of an extension to rear with other external alterations at 83 North View Road, Brixham, TQ5 9TS in accordance with the terms of the application, Ref P/2023/0687, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. 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.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: WCSBWE230725; DCSFDE230725; WCSFDTFE230725; DCSKDE230725; WCSKWE230725; WCSLFFWE230725; WCSLFFNOWE230725; WCSRDEWE230725; WCSRWBWGFFE230725; DFR230801; EP230727; FPPFF230803; FPPSF230628; P-2023-0687-3; WDEE230703; WDEER230703; WDEPF230727; WDEPR230727; BP230910; P-2023-0687-6; DS217; and P-2023-0687-5.

Costs

2. An application for costs has been made by the Appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal scheme, when more fully described than above, in summary includes: replacement of the front elevation windows with white uPVC wood grain effect frames; replacement of front railings; change to the front door colour and design; painting of the front aspect of the house; adding an

extension to the rear; changing the rear dormer window to two windows; and replacement of one rear window with a uPVC wood grain effect window.

4. The Council's Refusal of Planning Permission only refers to the proposed uPVC fenestration; this is what I consider below.

Main Issues

5. The main issues are the effect of the proposal on a) the character and appearance of the host property and the locality and b) energy consumption and carbon emissions.

Reasons

Character and appearance

6. The appeal property is double-storey terraced home in a long row. It dates from the mid-19th Century and with its raised location on a relatively open side of a hill it is part of the scene from many of the lower parts of Brixham. It sits on a steep slope and fronts the narrow lane of North View Road and has a rear elevation to the higher Garlic Rea.
7. The area is of established residential character with a palate of homes coming together in a relatively unified scene. The dwelling is almost built into a cliff and forms a small part of one of the contour lines of steeply rising terraces which create part of the pleasing and characteristic scene from the harbour and other lower environs. The appeal proposal is as described above.
8. The site lies within the Brixham Town Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy SS10 of the Torbay Local Plan (LP) and Policy BE1 of the Brixham Peninsula Neighbourhood Plan (NP) reflect the importance placed on Conservation Areas.
9. The CA is characterised by its C17 to C19 buildings and terraces of plain and simple design amongst more detailed and elaborate larger houses. The part of the CA the appeal site sits within contains varied inharmonious groups of flat roof front and rear dormer extensions and window alterations and the use of uPVC is a ubiquitous feature of these terraces. The appeal property has a form of widened uPVC fenestration.
10. I can entirely see the reasoning of the Council, through its interpretation of policy protection and practice in development control, seeking to secure that replacement windows in Conservation Areas will be constructed in traditional materials. I understand and acknowledge the planning officer's report's criticism of the detail relating to uPVC windows. In the vast majority of cases, in my experience, a negative stance in a Conservation Area, including in parts of this one, would be the appropriate approach.
11. However, as an exception I differ in this case. There are three reasons why I am not minded to align with the Council on this particular case.

12. Firstly, uPVC windows and doors are presently in place on the appeal property and the scheme would in reality present very little difference to the existing scene; it would effectively be preserved. Secondly, most of the immediate and close-by homes have this form and style of glazing providing a context. Thirdly, the largest part of the aesthetic and historic interest of this extensive section of the Conservation Area is, to my mind, the steeply rising pattern of increasingly elevated terraces which, through height, proportion, colour and roof line, and notwithstanding some questionable fine detail, are key components in the character of Brixham.
13. As a final point I would concur with the Appellants that a number of the other planned alterations and changes would be aesthetically positive and make the property sit more comfortably in its surrounds.
14. Having regard to the foregoing I conclude that there would not be conflict with S72(1) of the Act and LP Policy SS10 along with NP Policy BE1 as cited above; there would be preservation of the character and appearance of the Conservation Area. Additionally, LP Policy DE1 and NP Policies BH5 and BH6 have relevance to the case. Taken together, and amongst other matters, they seek to ensure that development is well designed, recognises townscape character, and incorporates appropriate fenestration. I conclude that the appeal scheme would not run contrary to these policies.

Energy consumption and carbon emissions

15. The Planning Officer Report alleges there is a renewable nature and long-life span of timber fenestration, heat loss benefits, lower use of energy in construction, ease of recycling and a relative lack of oil use all compared to uPVC. I can appreciate that there may be a degree of soundness in some of these sentiments. However, in this specific case I do not have enough evidence before me to deem that there would be such a marked difference between timber and uPVC frames in overall and full-life-term energy consumption and carbon emissions such that I should use the matter in the planning balance as an over-riding factor to dismiss the proposal. This is also in the context of my findings above and the benefits to the quality of life of the Appellants.
16. LP Policy ES1 is concerned with seeking to limited carbon emissions and energy use and I conclude that the appeal proposals would not conflict with the specifics or objectives of this policy.

Conditions

17. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I would agree with the latter in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty.

Overall conclusion

18. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character or appearance of the host property and the locality or on energy consumption and carbon emissions. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR