



Appeal Decision

Site visit made on 9 October 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/X1165/W/24/3346362

35 POLSHAM PARK, PAIGNTON, DEVON, TQ3 2AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Lea against Torbay Council.
 - The application Ref is P/2023/0488.
 - The development is a proposed detached garage with work/store area.
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Decision

1. The appeal is dismissed and planning permission for a proposed detached garage with work/store area is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission had it made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
3. The Council lists three reasons the application would be refused, which when summarised amount to the impact on the appearance of the Polsham Conservation Area (CA) due to the bulk, scale, materials, built form and design of the garage in a highly visible location. They also refer to the design of the building having the appearance of a detached bungalow giving it an incongruous appearance. The Council do not consider that there are public benefits to outweigh the harm to the CA.
4. The Council have not included effects on neighbouring occupiers, trees, drainage, or highway safety as reasons that would have led to the application's refusal.

Main Issue

5. The main issue is whether the proposed garage would preserve or enhance the character or appearance of the Polsham Conservation Area.

Reasons

6. The appeal site contains a large semi-detached house with extensions to the side and rear being converted to a number of dwellings. There is a large parking area to the front and side of the property which is bounded by a rubblestone wall with a fence behind. The site lies directly adjacent to Victoria Park and is within CA.

7. Within the Polsham Conservation Area Character Appraisal (2008) the site is in character area 3. The significance of this area comes from the planned uniform arrangement of the buildings and their architectural quality. The original garden suburb design providing a mix of terrace, semi-detached and detached houses all with front and rear gardens.
8. The large houses on Polsham Park along with others in the area are identified as key buildings in the Character Appraisal, which as a group form an attractive gateway to Victoria Park. The spacious views into the park include the appeal site.
9. The proposed garage and workshop would be located towards the triangular corner of the site. Being positioned at an awkward angle in relation to the main building and coming forward of the established building line, it would appear at odds with the prevailing layout of the area. The fact that the garage door would not be immediately visible from the street means that the building would not be clearly identifiable as a garage. Single detached buildings at the front of properties, such as this, are not common in the area and would appear as an incongruous addition to the street scene.
10. Although the building would be single storey, its positioning, particularly due to the higher ground levels compared to the adjacent park, would make it highly visible. It would have a harmful impact on views into Victoria Park from Polsham Park as well as from within the park and the railway. Whilst there is some existing screening by vegetation, and some proposed, the building would still be visible.
11. Whilst there may be other new buildings in the area, including Albany Court opposite, these conform to the prevailing pattern of development in the area. Other examples of new buildings are also not comparable in terms of their siting and views into and from Victoria Park.
12. The proposed use of render is appropriate as it reflects the main house. While the use of timber may not be common in the area it is only proposed on a small part of the building and would have a limited visual impact. A slate material would be appropriate for the roof with rooflights not being considered as inappropriate given their size. Further details of the garage door and windows could be conditioned.
13. Overall, the positioning of the building and its size would not be in keeping with the layout of the surrounding buildings. The erosion of openness adjacent to the park would adversely affect the significance of the prevailing layout in the area and its contribution to the wider CA. The character and appearance of the CA would not, therefore, be preserved. In coming to this view, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area by attaching considerable importance and weight to that desirability.
14. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
15. Turning to the harm to the CA, given the scale and nature of the proposals, I consider that the degree of harm to the significance would be less than

substantial, which Paragraph 208 of the Framework indicates should be weighed against the public benefits of the proposal.

16. In terms of the benefits of the scheme these would include providing secure parking, enhanced security and electric charging. These are largely private benefits although the provision of access to more sustainable transport options is noted. It is acknowledged that the proposal is in an urban area on a site where there has been existing development.
17. The removal of a building in poor condition is considered to have a neutral impact on the CA. The fact that the main house remains untouched and some of the gravel area would be built on also has a neutral effect. I do not agree with the appellants view that there would be improvements including: views of the site being opened up, the appearance of the site being improved, the street scene being enhanced and the lack of impact on the garden setting, therefore I do not give these any weight.
18. The cumulative weight of public benefits would be limited and not sufficient to outweigh the great weight that the conservation of a designated heritage asset carries. The proposal therefore fails to accord with the historic environment protection policies of the Framework.
19. The proposal would not preserve or enhance the character or appearance of the CA and would therefore fail to accord with Policies SS10 of the Torbay Local Plan, The Plan for Torbay 2012-2030, and Policy PNP1 of the Paignton Neighbourhood Plan 2012-2030, which, amongst other things, seeks to sustain and enhance the historic environment, and ensures development is well-designed and respects and enhances the special qualities and identity of the area. Additionally, the proposal would conflict with the historic environment protection and design policies of the Framework.

Other Matters

20. The manner in which the Council dealt with the case is not for consideration at appeal.
21. The scheme may comply with the Council's parking standards and as a result this has partly led to the size of the resultant building. However, the availability of parking would exist on the site without the need for a garage.
22. The redevelopment of the Palace Hotel has been referenced by the appellant although limited details have been provided and there is no evidence of how this is comparable to the appeal proposal.

Conclusion

23. The proposal would fail to preserve the character and appearance of the CA. The proposed development would conflict with the development plan, when read as a whole and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

H Faulkner

INSPECTOR