



Appeal Decision

Site visit made on 3 December 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2024

Appeal Ref: APP/X1165/W/24/3349405

13 Eugene Road, Preston, Torbay, Paignton TQ3 2PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Francis Baker against the decision of Torbay Council.
 - The application Ref P/2023/1062 was approved on 21 February 2024 and planning permission was granted subject to conditions.
 - The development permitted is construction of detached ancillary annexe to rear of property (description of development changed on 9 January 2024 to reflect proposed development).
 - The condition in dispute is No 1 which states that: *Notwithstanding the approved plans/details, the development hereby approved shall be finished with external materials to match those of the existing building and shall be retained as such thereafter.*
 - The reason given for the condition is: *In the interests of the appearance of the development and the surrounding area in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.*
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Decision

1. The appeal is allowed and the planning permission Ref P/2023/1062 for construction of detached ancillary annexe to rear of property (description of development changed on 9 January 2024 to reflect proposed development) at 13 Eugene Road, Preston, Torbay, Paignton TQ3 2PF granted on 21 February 2024 by Torbay Council, is varied by deleting condition 1.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Background and Main Issue

3. Planning permission Ref P/2023/1062 was granted for the construction of a detached ancillary annexe to the rear of the host property. It was subject to a number of conditions, including No 1 that required external materials to match those of the existing building. This appeal is made directly against the imposition of this condition. The appellant considers the proposed materials would be sympathetic and that the condition has been unreasonably applied. Conversely, the Council relies on its officer report which says that a composite cladding material would not be in keeping with the host dwelling.

4. I therefore consider the main issue to be the effect that varying condition 1 would have on the character and appearance of the area.

Reasons

5. The appeal site comprises one of a pair of semi-detached properties within a residential street in a built-up area. At my visit I observed that there were some properties along this street that had materially matching outbuildings. Notwithstanding this, external building materials are particularly varied, both within plots and in the surrounding area. In that context, render, pebble dash, tiles, and boarded cladding are all commonplace in this locality. Of note is an adjacent outbuilding that is positioned alongside the proposed annexe. This includes soft and muted cladding to its gable end, fronting the road.
6. The proposal would include a low level, flat roof and would be positioned behind an existing wall and arch leading to the rear garden. It would be set well back from the road and to the rear of the host property. Consequently, the two buildings would not have a strong physical connection or visual association with one another. While a matching external material finish may be appropriate in some circumstances, the use of cladding would be consistent with the adjacent building and others nearby. Even if another material finish were chosen, the scheme would not diminish the overall quality of built form at the appeal site or surrounding area. Moreover, only fleeting, glimpsed views of it would be gained. Accordingly, the use of non-matching materials would not result in an unacceptably prominent or incongruous feature.
7. For the above reasons, I conclude that the removal of condition 4 would not have a harmful effect on the character and appearance of the area. As such, there would be no conflict with policies DE1 and DE5 of the Torbay Local Plan or Policy PNP 1(c) of the Paignton Neighbourhood Plan. Collectively, and in this respect, these policies aim to strengthen local identity, avoiding adverse effects on the character or appearance of the original property by making use of a sensitive palette of materials. There would also be no conflict with paragraph 135 of the Framework which says, in part, that decisions should ensure developments are visually attractive and sympathetic to local character.

Conclusion

8. For the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

J Hills

INSPECTOR