



Appeal Decision

Site visit made on 10 February 2025

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/X1165/D/24/3351383

63 Cliff Road, Paignton TQ4 6DL

- 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 Hatch against the decision of Torbay Council.
 - The application Ref is P/2024/0272.
 - The development proposed is for renovations to include replacement of front boundary wall, replacement windows and door, install insulation and render to external walls.
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Decision

1. The appeal is allowed and planning permission is granted for renovations to include replacement of front boundary wall, replacement windows and door, install insulation and render to external walls at 63 Cliff Road, Paignton TQ4 6DL in accordance with the terms of the application, Ref P/2024/0272, and the plans submitted with it, subject to the conditions set out below:
 - 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 following approved plans: Drawing 23.92_PL_001, 23.92_PL_100, 23.92_PL_101, 23.92_PL_102, 23.92_PL_103 and 23.92_PL_110.
 - 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.

Preliminary Matter

2. The description of proposed works as set out within the planning application form was very detailed and the Council provided a summary of this within its decision notice. It is not clear as to whether the appellant agreed to this change; however, in the interest of brevity, I have adopted it within the banner heading above.
3. Since the planning application the subject of this appeal was determined a new version of the National Planning Policy Framework (the 'Framework') has been published (12 December 2024) and consequently amended on 7 February 2025. There has been no material change to national planning policy in respect of householder appeals and therefore I consider that it was not necessary to refer back to the parties. I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the proposed replacement windows to the front elevation would preserve or enhance the character or appearance of the Conservation Area.

Reasons

5. The appeal site comprises a mid-terrace house located within the Roundham and Paignton Harbour Conservation Area whereby dwellings are paired to create the impression of linked semi-detached pairs of houses with staggered ridgelines to take into account the lay of the land.
6. The Conservation Area Appraisal (CAA) highlights that numbers 39 to 65 Cliff Road are simple and plain-fronted, entries and reveals are similarly plain and recessed, only the projecting kneelers which support the dividing parapets break up the frontage. It does however go on to state that the urge to further the individuality on the plain facades has resulted in a rash of replacement glazing, faux bays, lean-to porch hoods and non-functioning shutters.
7. I found on my site visit that fenestration design varies within the immediate locality. However, one common theme is the use of uPVC replacements within Cliff Road and indeed in many ways it is the only common theme in their appearance by virtue of all of the changes that have been made since the time of original construction.
8. The appeal dwelling has shutters at first floor level and single pane uPVC casement windows, along with a faux bay at ground floor level. The quality of these is debateable, and whilst I acknowledge the Council's concern with regard to the provision of further uPVC windows within the Conservation Area, nonetheless the replacement of the existing windows with units of a better design and appearance would be a visual improvement on the existing situation.
9. It is clear that there were concerns raised with regard to the proportions of the ground floor window opening in comparison to the appearance of 61 Cliff Road, adjoining. However, the proportions of the ground floor window would be consistent with that of no.65, the other half of the 'semi-detached pair' and it has not been demonstrated that the width of these openings deviates from the original construction. Having a wider window on the ground floor than on the first floor provides a hierarchy of form that would not be displeasing to the eye.
10. Therefore, whilst I agree that uPVC replacement windows within the locality have had a deleterious effect on the quality of the Conservation Area, nonetheless the design of the proposed windows would be an improvement on the existing situation and notwithstanding the fact that the width of the ground floor opening would be wider than the first floor window above, nonetheless the removal of the faux bay window and the provision of a window reveal would improve the aesthetics of the appeal dwelling. At the very least I consider that the proposal would preserve the character and appearance of the Conservation Area and consequently no harm would be caused to the significance of the designated heritage asset.
11. I therefore find no conflict between the proposal and the National Planning Policy Framework and the scheme complies with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030 and Policy PNP1 (c) of the Paignton Neighbourhood Plan which require proposals to be well-designed and respect and enhance Torbay's special qualities, by being uncluttered and attractive, including where

appropriate the removal of unsightly additions; and where concerning domestic extensions the proposal would not dominate or have other adverse affects on the character and appearance of the original property, any neighbouring properties or on the street scene in general, whilst having regard to the requirements to conserve Heritage Assets in a manner that is proportionate to their importance.

Conclusion and Conditions

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
13. Other than the standard time limit condition, the Council has also suggested that conditions be imposed that require the development to be carried out in accordance with the approved plans and that the materials to be used in the construction of the external surfaces of the development match those used in the existing building. In the interests of preserving the character and appearance of the Conservation Area, I consider these are necessary.

C J Tivey

INSPECTOR