



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/24/3354540

Thornhill Brake, Seaway Lane, Torquay TQ2 6PW

- 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 Mr & Mrs Simon Greening against the decision of Torbay Council.
 - The application Ref is P/2024/0404.
 - The development proposed is for a single storey side extension to provide bedroom and bathing facilities to allow ongoing independent living.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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

3. The main issue is the effect of the appeal proposal upon the character and appearance of the host dwelling, identified as a 'key building' (a non-designated heritage asset) and whether the scheme would preserve or enhance the character or appearance of the Conservation Area.

Reasons

4. The appeal site is located within a verdant single-track lane bounded by high Devon hedges interspersed with gateways into generally large detached properties set in generous grounds.
5. Thornhill Brake is a fine red stone villa conserved to a high standard and with its principal elevation being quite striking in the street scene. It has been extended sensitively in the past.
6. The proposed extension would be constructed on the eastern elevation of the main range which is presently characterised by a pair of full-height windows at ground floor level and a pair of shallower windows over at first floor level, providing well balanced fenestration. The dwelling enjoys a high degree of articulation and the

flank steps in, with a semi-exposed chimney stack within a further two storey rear projection.

7. The Chelston Conservation Area Character Appraisal (CACA) highlights that there are well over 100 villas either detached, semi-detached or in mirrored terraces of three within the Conservation Area and like Thornhill Brake most retain period features and relatively few have had disfiguring extensions; they are therefore central to the overall character of the Conservation Area. It goes on to state that, although unlisted, these are the Conservation Area and make a significant contribution to the wider Torquay Townscape, to which I wholeheartedly agree.
8. I fully understand the appellants' reasoning behind the proposal, who clearly wish to remain in their home for as long as practicably possible. However, with respect, the occupation of dwellings is ultimately transitory whilst the physical effects of proposal are permanent.
9. I note that the design of the proposed extension would be single storey in nature and therefore in many ways would appear subordinate to the host dwelling. However it would go a considerable way in masking the existing well-balanced eastern elevation, causing the obscuration of the aforementioned historic ground floor openings and with a faux pitched roof that would, in part, conceal the bottom portions of the first floor windows above.
10. I acknowledge that the windows and the glazing pattern would largely mirror those on the existing house, however, the original features would no longer be read as part and parcel of the overall architecture of the property and furthermore the use of aluminium windows and doors would run counter to the timber joinery found elsewhere on the property. The 3D images provided identify the house being in red brick as opposed to red stone and whilst clearly there is some small scale red brick detailing on the house presently, in the form of plinths and chimney stacks, brick is not the predominant external finishing material. Notwithstanding this, I consider that the red shaded render of the proposed extension would dilute the overall aesthetics and design quality of the key building.
11. Therefore whilst I acknowledge that the use of certain heritage-compatible materials, particularly for the roof glazing, does demonstrate a commitment to conserving the area's unique aesthetic, I am not convinced that the proposal would preserve that, although I have been given no reason to doubt that the extension would be thermally efficient. However, the very fact that the dwelling has been altered in the past does not mean that any further additions are acceptable *carte blanche*.
12. I accept that no near neighbours are either overlooked by or can look into the site; as a result there would be no detrimental impact to any surrounding property, but whilst the principal elevation is the only one visible to third parties using Seaway Lane, nonetheless the considerations of this appeal go beyond that.
13. I find that the scheme would give rise to less than substantial harm to both the designated and non-designated heritage assets notwithstanding that I consider that the extension would not give rise to an overdevelopment of the site. However, there are no public benefits that outweigh the less than substantial harm that I have identified and consequently the proposal would fail to preserve the character and appearance of the Conservation Area.

14. Overall, I consider that the siting, scale, design and use of materials would erode the character of the key building. For these reasons I find the proposal contrary to Policies DE1, DE5 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan which together require development to be well-designed, respecting and enhancing Torbay's special qualities including the character of the built environment, including areas and buildings of historic interest, by ensuring that all designated and non-designated heritage assets are sustained and enhanced and respect the local character in terms of height, scale and bulk and reflect the identity of its surroundings.

Conclusion

15. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR