



Appeal Decision

Site visit made on 24 March 2025

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2025

Appeal Ref: APP/X1165/D/25/3360232

63 Barcombe Road, Paignton, Torbay, TQ3 1QB

- 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 Mark Tapp against the decision of Torbay Council.
 - The application Ref is P/2024/0625.
 - The development proposed is the construction of one pitched roofed dormer on front elevation and rear dormer extension; formation of a single-storey extension at rear, to include bi-fold doors and new steps and balustrading, cladding and changes to fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The banner heading above uses the description of development that was given by the Council on their decision notice and which was repeated by the appellant on the appeal form. This more accurately describes the entirety of the proposal compared with the words that were used on the application form.

Main Issues

3. The main issues are the effects of the proposal upon the character and appearance of the host dwelling and wider area, and upon the living conditions at 61 Barcombe Road with specific regard to visual impact and light, and upon those at 7 Lammas Lane with particular regard to privacy.

Reasons

4. The appeal relates to a detached bungalow with a dual pitched roof and gabled sides, and with an attached flat roof garage. It sits to the north side of Barcombe Road, a residential no-through road along this particular stretch comprising predominantly single-storey detached homes of broadly similar age. Due to the area's topography, the road slopes noticeably upwards to the west, with properties' ridge lines following a stepped progression accordingly, and those on the south side set higher than those opposing. These changing land levels are marked, such that the appeal property, in common with its neighbours, has a pronounced under-build to its rear half with steps leading down from the living space to the lower level of the rear garden.
5. The proposal comprises three distinct elements. The first is a gable fronted dormer to be inserted into the front elevation, off-set to one side. The second element is a

rear flat roof dormer across a significant portion of the rear roof slope. Both dormer windows would facilitate enlarged living space at first-floor level. The third element of the proposal would be a rear, ground floor extension with commensurate under-build that would span the full width of the dwelling and which would wrap around the side elevation nearest to 61 Barcombe Road, to link with, and fill a void behind, the existing garage.

Character and Appearance

6. Despite many properties in the area having been extended and altered beyond their original forms, I found there to be a strong sense of cohesion and regimentation to the street scene along the stretch of Barcombe Road between its junction to the east, where it is bisected by Shorton Road, and its western terminal end. This is derived through a combination of factors including the straight alignment of the road, the properties' shallow front gardens and consistent forward building lines, and the uniform, stepped alignment of the front roof slopes to those on the north side, which are prominent in the vista along Barcombe Road. Although there is a mix of dwelling styles, there are many repeat designs and a harmony to the streetscape that is held together by the obvious absence of any front roof additions, as I observed during my visit.
7. The proposed front dormer would noticeably break the existing development pattern to the north side of Barcombe Road. It would project forward from the front roof slope of No 63 as a prominent and isolated feature of its type within the street scene. Its irregular siting without consideration for the fenestration pattern below, at ground floor level, would further mark it out as an incongruous and intrusive addition.
8. The dormer to the rear would cover almost the entire rear roof slope with only a reasonably small part of the original tiling retained to one side in what would appear as an unbalanced arrangement. Its rear face would run contiguous with the original rear wall of the dwelling and would extend up to the height of the roof's ridge. Its rectangular 'box-like' form would dominate and entirely reconfigure the traditional pitched roof form of the dwelling, appearing more akin to a flat roofed, additional storey rather than an integrated and respectful addition or alteration to the existing roof.
9. The ground floor rear extension would be fairly shallow, at only just over 2m in depth. However, it would span beyond the full width of the property and extend up to the boundary with No 61. The necessary under-build would give the impression of an almost two-storey mass of additional building with a flat roof over. When combined with the proposed rear dormer above, the dwelling's remodelled rear elevation would have the perception of an asymmetrically stacked arrangement of utilitarian blocks that would show little respect for the modest, domestic scale and form of the existing dwelling, and those surrounding.
10. In addition, and contrary to the appellant's assertions that views of the rear of the property are very limited, I observed that the rear of No 63 is open to clear sight from Lammas Lane, which runs parallel to the rear. The gap between Nos 5 and 7 Lammas Lane is large. When taken with the fairly short gardens to the properties in both Lammas Lane and Barcombe Road, and the elevated position of No 63 when viewed in this direction from the north, the extensions to the rear would be readily

seen from the public domain as large, unsympathetic, and incongruous in their setting.

11. The Council is concerned that the proposed combined use of zinc cladding to the rear dormer's cheeks and wood effect composite cladding boards to its face would add to its unappealing presence. I share some of this concern. Whilst the appellant has demonstrated with evidence how the use of such contemporary materials have been embraced elsewhere in the Torbay area, including being permitted on large residential roof extensions that are openly seen within the public domain, in this instance the amalgam of materials proposed for the rear elevation as a whole (facing brickwork, painted render, retained roof tiles, zinc cladding, composite wood effect cladding, and metal flight of steps) would show little cohesion and would appear starkly out of keeping within its rear garden context.
12. For the reasons given, I find the dormer to the front elevation and the combined form of the dormer and single-storey extension to the rear would result in a development overall that would fail to integrate itself into the street scene when viewed from both Barcombe Road and Lammas Lane, appearing harmful to the character and appearance of No 63 and the wider area. As such, the proposal would conflict with Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 (TLP) and Policy PNP1(C) of the Paignton Neighbourhood Plan, adopted in 2019, as far as between them they seek to ensure that development, including domestic extensions, are well designed and respectful of the surrounding context. For the same reasons there would be conflict with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed places.
13. The appellant has pointed out the works that could be undertaken to the property as permitted development. I am mindful that a large dormer, a deeper rear extension, and a side extension could all potentially be constructed without the need to obtain an express grant of planning permission. However, due to the land levels on the site, the precise size and form of any such ground floor additions is not clear. Whilst the potential for extensions to be constructed as permitted development is a likely possibility, I am not persuaded that their combined form would be directly comparable to the development that is before me. Neither am I persuaded that the development would compare with any of the array of extensions that have been highlighted to me within the locality. The weight I attach to the appellant's fallback position with regard to the first main issue is therefore limited and insufficient to outweigh the degree of harm that I have identified.

Living Conditions

14. The proposal would project the ground floor living space towards the rear garden boundary which is shared in common with 7 Lammas Lane. The separation distance between both dwellings' rear facing elevations would measure just less than 18m according to the Council. Due to the much lower level of No 7 and the shallow depth of the gardens, this would unquestionably result in greater intervisibility between the living spaces of both properties. However, I am mindful that a rear extension to some depth could be constructed to the rear of No 63 as permitted development. The relationship between this and No 7 would be likely to be similar, if not closer, should such an extension be built. I attach significant weight to this potential fallback position which would have an at least similar outcome in terms of the relationship between both properties and impact upon levels of privacy at No 7.

15. No 61 Barcombe Road has a side facing ground floor window set away from the common side boundary with the appeal property by the width of a pedestrian access. The main parties agree this serves a kitchen area. I have no reason to doubt that the kitchen space also benefits from a principal outlook to the rear. However, although the outlook from the flank window is already tightly enclosed, it benefits from some relief by the existing layout of No 63 where it aligns with the void behind the appeal property's garage. I am not persuaded by any substantive evidence that overall levels of light within the kitchen would be significantly impacted, but I do consider that the sideways extension to No 63 at this point, and as a wraparound part of the proposed rear extension, would impose itself at close quarters as a significant intrusion of built form. Its overbearing impact would be made worse by the height of the extension at this point, with its significant degree of under-build relative to the lower level of No 61. Whilst there would be scope to add a side extension as permitted development, given its proximity to the boundary the height of any such addition would be limited to a maximum of 3m to eaves level. The impact upon the outlook from No 61 would be less severe in those circumstances. I therefore attribute little weight to the appellant's fallback position in this regard.
16. The harm that I have identified to the neighbours' living conditions means that there would be conflict with TLP Policy DE3 as far as it seeks to ensure development does not unduly impact upon the amenity of neighbouring and surrounding uses. For the same reason there would be conflict with the Framework where it seeks to achieve a high standard of amenity for existing and future users. Notwithstanding the absence of any objections from any neighbouring occupiers, the weight that I attribute to all other material considerations is insufficient to outweigh the harm that I have identified specifically to the living conditions at No 61.

Conclusions

17. For the reasons given above, the appeal is dismissed.

John D Allan

INSPECTOR