



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: 14 April 2025

Appeal Ref: APP/X1165/D/24/3357621

27 Winsu Avenue, Paignton, Torbay, TQ3 1QG

- 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 Kutz against the decision of Torbay Council.
 - The application Ref is P/2024/0494.
 - The development proposed is described as '*extensions to existing property*'.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of extensions to side and rear at 27 Winsu Avenue, Paignton, Torbay, TQ3 1QG in accordance with the terms of the application, Ref P/2024/0494, subject to the following conditions:
 - 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 approved plans: Drg Nos 3991.SLP.01, 3991.BP.01, 3991.AL.01 and 3991.AL.02.
 - 3) The first-floor rear balcony hereby permitted shall not be used until a 1.8m high obscure glazed balustrade has been fitted to the side elevation facing 25 Winsu Avenue. Once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. My formal decision uses the description of proposed works given by the Council on their decision notice and which was repeated by the appellants on the appeal form. This slightly better describes the works than that which was given on the application form and which is quoted in the banner heading above.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the host dwelling and wider street scene, with particular regard to materials.

Reasons

4. The appeal property is a two-storey, detached dwelling with a hipped roof and side attached garage with further side attached single-storey store. The area is wholly residential in character comprising mostly detached homes along Winsu Avenue of

- mixed type, size, and appearance. The proposal would add a two-storey pitched roof side extension in place of the attached garage and store. This would project beyond the property's rear elevation with an almost equivalent depth single-storey rear extension across the width of the property and balcony over. There would also be a new single-storey infill porch extension to the dwelling's opposing side.
5. The proposal follows on from two previous applications for similar proposals that were both refused planning permission in 2022 for reasons relating to the effects upon the character and appearance of the host dwelling and wider area, and upon the living conditions of neighbouring occupiers (Refs P/2022/0527 and P/2022/1103). The appellants subsequent engagement with the Council to review the past decisions brought forward a revised proposal.
 6. The Council supports the contemporary designed approach proposed for the side extension, with a glazed link to the main dwelling creating a clear break between the old and new, and which would provide an acceptable contrast with the traditional form of the existing dwelling and wider street scene. They also consider the size and scale of the addition to be proportionate and in-keeping with the character and appearance of the original dwelling, concluding overall that the side addition would have a cohesive design approach that would integrate well with the dwelling's frontage. They also consider the rear extension would be respectful of the overall character and appearance of the dwelling and would result in an appropriately subservient addition to the rear elevation. I do not disagree with the Council's findings in these regards. In addition, I consider the porch extension would be modest in size and would equally integrate itself well as a contemporary styled addition.
 7. The Council's sole concern rests with the choice of a red coloured standing seam zinc cladding proposed for the walls and roof of the two-storey side extension. They consider the materials would be at odds with those currently within the street scene and would fail to blend with the traditional materials of the existing dwelling.
 8. The appellants have sought to justify the colour choice by referencing the red breccia stone, red terracotta bricks and clay tiles that are prevalent throughout Paignton, which they argue is considered to be a regional colour palette. Whilst not especially dominant within the immediate locality of the appeal site, such colour tones were plainly evident to me amongst the eclectic mix of building styles and materials along Winsu Avenue and in the wider area during my visit. The choice of a similar tone for the extension, particularly given the contemporary styling that is proposed and which is agreeable to the local planning authority, would not look out of place.
 9. Contrary to the Council's assertion, I do not consider the appeal property to be in an especially prominent location, being set within a row of properties in a residential setting. I am also mindful of the prominent use of similar materials that have been embraced elsewhere in the Torbay area, as evidenced by the appellants, demonstrating how the use of contemporary and contrasting materials can be successfully woven into the existing and more traditional urban fabric.
 10. Overall, whilst the choice of materials would be bold, I am satisfied that there would be an acceptable balance between the clearly defined old and contemporary designed new elements of the remodelled dwelling, and that the colour choice would be neither alien nor overtly out of character in its setting. For these reasons I

find that the proposal would not harm the character or appearance of the host property or the wider street scene. As such, there would be no conflict with Policies DE1 and DE5 of the Torbay Local Plan 2012-2030 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 no conflict with the National Planning Policy Framework's objectives for achieving well-designed places.

Conditions

11. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. Given the deliberate proposed use of contrasting materials, and the clearly defined palette that is shown on the approved plans, it would not be reasonable to impose a condition requiring the development to be carried out using materials that would match the existing, as suggested by the Council.
12. The balcony over the ground floor extension is shown to be enclosed by a 1.1m high glazed balustrade to the rear face and a 1.8m high balustrade to the side facing towards 25 Winsu Avenue. To avoid any potential overlooking and loss of privacy into the neighbouring gardens the side screen would need to be obscurely glazed. I have attached a condition accordingly.

Conclusion

13. For the reasons given above, the appeal is allowed.

John D Allan

INSPECTOR