



Appeal Decision

Site visit made on 9 April 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/X1165/W/24/3356918

38 Bidwell Brook Drive, Paignton, Torbay, TQ4 7NF.

- 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 and Mrs Moseley against the decision of Torbay Council.
 - The application Ref is P/2024/0466.
 - The development proposed is the erection of extensions to front and rear.
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Decision

1. The appeal is dismissed.

Description and Procedural Matters

2. The present appeal proposal includes a single-storey, rear extension with an inset balcony above, serving the upper-floor lounge of the property, together with a single-storey, flat-roofed, lower-ground-floor, front extension. This proposal was submitted in order to address a previous dismissal at appeal¹ of a scheme including a two-storey rear extension. The present appeal is determined on a fresh appraisal of its own individual merits.
3. During the processing of the application, the Appellants submitted revised proposed plans Refs 1789-24-070A and 71A which appear to show a reduced rear balcony, and the front extension deleted altogether. However, the Council refused the application on the basis of plans Refs 1789-24-060 and 061 originally submitted with the application. This appeal can only proceed on the same basis.
4. There are ongoing construction works, including a retaining wall, separate from the house but within the front forecourt of the appeal property. Neither these works nor any question their lawfulness forms any part of the appeal proposals or this decision.
5. During my site visit, I also viewed the appeal site from both neighbouring properties Nos 36 and 40 Bidwell Brook Drive.

Main Issues

6. The main issues in this case are, first, the effects of the proposed front extension on the character and appearance of 38 Bidwell Brook Drive itself, together with its semi-detached neighbour, No 36, in the context of the local street scene,

¹ Ref APP/X1165/D/23/3329430

and second, the effect of the proposed rear balcony on residential amenity at neighbouring properties.

Reasons

Character and Appearance

7. Despite being set at lower ground floor level and flush with the present front building line, the front extension proposed at No 38 would fill a currently open space typical of local property frontages and would harmfully disrupt the uniform visual rhythm of the semi-detached pair with No 36 as well as the wider Bidwell Park Drive street scene.
8. Even with the use of matching finishes, this element of the development would accordingly conflict unacceptably with Policies DE1 and DE5 of the adopted Torbay Local Plan (TLP) as well as Policy PNP1(c) of the made Paignton Neighbourhood Plan (PNP) which together, consistent with national policy, require house extensions to be of good design, in keeping with and avoiding adverse effects on the character or appearance of the original and neighbouring properties, or the street scene.
9. Although newly assessed on merit, the front extension would accordingly be in similar conflict with development plan policy as that which formed part of the scheme previously dismissed at appeal.

Residential Amenity

10. There is no direct comparison between the two-storey rear extension previously dismissed and the single-story addition now proposed. The Council is satisfied, and I agree, that the rear extension now proposed in this appeal, set below the upper windows, would in itself be duly subservient to the main dwelling in scale and bulk, acceptably respecting local character. It is the balcony inset above the extension to serve the upper-floor lounge which raises concern.
11. From the balcony, there would be a clear view into the rear gardens of both Nos 36 and 40, albeit there are other rear balconies in the neighbourhood, including one recently approved at No 40, affording oversight of adjacent private gardens, and some degree of overlooking is to be expected in this urban context.
12. More importantly, from the same position, despite partial screening, there would be potential for people using the lounge of the appeal property to stand at the front of the balcony and look back towards the rear windows of No 40 Bidwell Brook Drive. I consider that this would give rise to material degrees of actual and perceived loss of privacy at that property, not reflected at other neighbouring dwellings.
13. For this reason, I find that the proposed development would be in further conflict with Policy DE5 and also Policy DE3 of the TLP, which protect residential amenity, again in line with national policy.

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Conclusions

14. Having considered every point in the written evidence, I conclude, for the reasons stated above, that the appeal proposals should be rejected as out of compliance with the development plan as a whole, and that this appeal should therefore be dismissed.

B J Sims

INSPECTOR