



Appeal Decision

Site visit made on 9 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/X1165/D/25/3359978

Fernleigh, Parkham Road, Brixham, Torbay, TQ5 9BU.

- 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 Ms Anna Disley against the decision of Torbay Council.
 - The application Ref is P/2024/0635.
 - The development proposed is to replace existing two-storey rear extension and single-storey extensions and garden store at rear and erect a two-storey rear extension to include mono-pitched roof, velux rooflights and raised-seam metal cladding.
-

Decision

1. The appeal is allowed and planning permission is granted to replace existing two-storey rear extension and single-storey extensions and garden store at rear and erect a two-storey rear extension to include mono-pitched roof, velux rooflights and raised-seam metal cladding, at Fernleigh, Parkham Road, Brixham, Torbay, TQ5 9BU, in accordance with the terms of the application, Ref P/2024/0635, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out only in accordance with the following approved drawings:

7598	Location Plan	dated 01.07.24
7598P002 Rev A	Existing elevations	dated 01.07.24
7598P012 Rev B	Existing elevations	dated 01.07.24
7598P001 Rev B	Proposed Layout	dated 01.09.24
7598P006 Rev C	Existing Internal	dated 01.09.24
7598P016 Rev C	Proposed Internal	dated 01.09.24
 - 3) The extension hereby approved shall be used and occupied only in conjunction with and ancillary to the use and occupation of the main dwelling at Fernleigh, Parkham Road.

Preliminary Matters

2. The description above is derived from the refusal notice as most succinctly defining the development proposed in the appeal.

3. The Appellant criticises the manner in which the Council handled the application and assessed the proposal but this decision is based upon a fresh and independent review of the strict planning merits of the cases for and against the appeal.

Main Issues

4. The main issues are the effects the proposed development would have, first, on the character and appearance of Fernleigh itself and the wider street scene within the Brixham Town Conservation Area (CA) and, second, on the residential amenity of the neighbouring property, Ashleigh, Parkham Road.

Reasons

Character and Appearance

5. The proposed two-storey rear extension would be confined to the footprint of the existing extension to be replaced and would rise no higher. The top of the mono-pitch roof would thus remain well below that of the main three-storey dwelling.
6. The modern materials of the rectilinear proposed extension would make a marked contrast with the style and detailed Victorian architecture of the original house. The new construction would appear more monolithic than that which it would replace and there would be an increase in the amount of glazing.
7. I do not find the chosen architectural style or raised seam metal cladding unappealing or over-dominant, but consider the design to be sufficiently individual that it would create a refreshingly new and contrasting architectural statement of its own, alongside its preserved and valued Victorian host.
8. There are many varied built additions to the dwellings in this part of the Conservation Area, including a side extension to the attached neighbouring property to Fernleigh of equivalent plan dimensions. Most of these additions are to the rear and little seen from the public road or in any more distant views.
9. In this context, I do not consider that the proposed extension would harm the character or appearance of the appeal property in the relatively limited views from the rear. From Parkham Road it would be barely visible. The frontage of the handsome original Victorian house, its front garden, and the wider street scene, would be unaltered.
10. Accordingly, I do not consider that the proposed development would cause any harm to the character or appearance of the Brixham CA, as a whole, which would therefore be preserved. as required by established planning law.
11. It follows that the proposed development would comply with Policies DE1 and DE5 of the adopted Torbay Local Plan (TLP) which together require new development to be well designed to respect the special qualities of Torbay, with extensions appropriate to their plot size and avoiding undue dominance. Further, the proposal satisfies TLP Policy SS10 regarding the conservation of the historic environment. In addition, the development would be compliant with Policies BE1 and BH5 of the made Brixham Peninsula Neighbourhood Plan, which also require good design and the protection of heritage assets.

Amenity

12. There is concern that the increased glazed area within the southern side of the two-storey extension would harm the amenity of the neighbouring property, Ashleigh, in particular with regard to privacy. However, the substantial difference in elevation and the separation by the intervening driveway serving the rear parking area of Fernleigh, together with an amount of garden vegetation, would diminish any such effect to an acceptable level, in my view, especially given the intensely urban context where a degree of overlooking is to be expected.
13. I accordingly find that the proposed development would also comply with Policy DE3 of the TLP to safeguard residential amenity.

Planning Conditions

14. The Council raises the prospect that, in the absence of an internal door linking the proposed extension to the main house, the proposed extension could become a separate dwelling, outside the scope of the approval sought in the application and appeal. The Appellant explains that the dwelling is intended for family use, ancillary to the main house. On that basis, I consider it appropriate to impose a condition to that effect, in addition to standard requirements regarding time for commencement and compliance with the approved drawings.

Conclusion

15. Subject to those conditions and for the reasons explained, I conclude that this appeal should be allowed.

B J Sims

INSPECTOR