



Appeal Decision

Site visit made on 20 May 2025

by **J Evans BA(Hons) AssocRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/X1165/D/25/3364088

57 Ash Hill Road, Torquay TQ1 3JD

- 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 Anthony Jones against the decision of Torbay Council.
 - The application Ref is P/2024/0508.
 - The development proposed is described as the formation of pitched roof to garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of the development from the decision notice as I consider this better reflects the proposal before me.

Main Issue

3. The main issue is the effects of the appeal proposal on the character and appearance of the area and on heritage assets, namely the Upton Conservation Area (the CA).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through Policy SS10 of the Adopted Torbay Local Plan 2012-2030 (the LP).
5. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) says when considering the impact of a proposed development on the significance of a heritage asset (including conservation areas), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
6. The appeal site falls within the CA. The double flat roofed garage that is proposed to be enlarged fronts towards the narrow public highway of Ash Hill Road to the

west and is openly perceived from this throughfare. Directly to the north, is a single garage with a mansard style roof.

7. The proposal seeks to replicate a mansard style upward extension, however what is proposed would inevitably differ from what is found to the north as a consequence of the larger width of the appeal garage, and this inevitably has resultant effects on the overall massing of the proposal before me. Whilst it is appreciated the mansard form to the roofline is proposed to make the most of space to the upper floor which is indicated as an office, this would create a significantly greater building mass than what exists at present, which ultimately represents a simple, and somewhat typical low profile domestic double garage.
8. As a result of the overall massing and the building form that would be created, the appeal proposal would create an overly dominant and incongruous feature on the street scene when passing. The adverse effect would be exacerbated by the large horizontal opening to the ground floor garage space, alongside the expanse of render that would take up the predominance of the elevation to the upper floor and the shape, full glazed style and overall appearance of the window opening (as shown on Plan Reference 105 B dated 16.06.24) on this elevation. As a result, the development would ultimately not be characteristic of what is found elsewhere along Ash Hill Road, and therefore, would appear unusual and out of place.
9. In reaching my decision, I have taken account of the garage to the north, but as explained above, it has an entirely different scale and appearance to what is before me. It therefore does not lead me to reach a differing view on the proposed development.
10. Reference has also been made to a previous approval at the appeal site under application reference 99/0452/PA. However, I have not been provided with the decision notice on this application, nor have I been provided with any confirmation that this approval was technically commenced. Without this information and bearing in mind this decision dates from June 1999 and was considered under different development plan policies to what is now before me, I can not give this decision any material weight in my conclusions.
11. My attention has also been drawn to other upward extensions to garages in the wider area, however I have not been provided with any specific detail of the circumstances behind each of these cases. In any case, I am required to determine the appeal proposal on its own individual merits.
12. For the above reasons, the appeal proposal would be harmful to the character and appearance of the area and would fail to preserve or enhance the character and appearance of the CA. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal.
13. The appellant in their appeal statement suggests that public benefits would arise from improvements to the existing structure, however I disagree, the existing garage is of a low profile and is not overly dominant, whereas the appeal proposal, as explained above, would appear unusual and out of place. Overall, I am of the view that any public benefits that would arise from what is a householder proposal would be limited and would not be sufficient to outweigh the clear harm that I have identified.

14. Consequently, I find that the appeal proposal would conflict with Policies DE1, DE5 and SS10 of the LP, Policy TH8 of the Torquay Neighbourhood Plan, and Sections 12 and 16 of the Framework, which amongst other matters seek to ensure that development is well designed, which respects the character and appearance of the surrounding area, and preserves or enhances the character or appearance of the CA.

Conclusions

15. The appeal proposal would have a detrimental effect on the character and appearance of the area and that of the wider CA.
16. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
17. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR