



Appeal Decision

Site visit made on 27 May 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/X1165/D/24/3356183

18 Branksome Close, Preston, Paignton TQ3 1EA

- 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 G A Roe against the decision of Torbay Council.
 - The application Ref. is P/2024/0628.
 - The development proposed is the formation of a two-storey rear extension; loft conversion including hip to gable roof alteration with rear dormer and two attached pitched roof dormers to the front'; front porch with pitched roof; wraparound balcony to the rear and side to include bi-fold doors and balustrading; changes to fenestration, and 2.5m planting on the southeast elevation boundary.
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Decision

1. The appeal is allowed, and planning permission is granted for the formation of a two storey rear extension; loft conversion including hip to gable roof alteration with rear dormer and two attached pitched roof dormers to the front'; front porch with pitched roof; wraparound balcony to the rear and side to include bi-fold doors and balustrading; changes to fenestration, and 2.5m planting on the south east elevation boundary at 18 Branksome Close, Preston, Paignton in accordance with the terms of the application, Ref. P/2024/0628 and the plans submitted with it, subject to the conditions in the attached Schedule.

Application for Costs

2. An application for costs was made by Mr and Mrs G A Roe against Torbay Council. This is the subject of a separate Decision.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the host dwelling and the street scene; (ii) the effect on the living conditions as regards outlook and privacy for occupiers of neighbouring properties. (Issue (i) relates to the first reason for refusal, and issue (ii) addresses the second and third reasons).

Reasons

4. On the first issue, I saw on my visit that the appeal dwelling is a mid C20th bungalow, albeit two storeys high at the rear where there is a basement because of the steep fall of the land. And although at the head of a cul-de-sac, because of these lower land levels, the substantial size of the site and the orientation of the adjoining No. 19, the appeal dwelling has a greater potential to accommodate roof and rear extensions than would normally be acceptable.

5. Accordingly, although the proposed hip to gable extensions would change No. 18's appearance from the street scene, this would not be to a size that would draw the eye as appearing too large or dominant for its setting. Furthermore, with a pitched roof enclosed front porch and the symmetry provided by the matching first floor dormers and ground floor bay windows, the dwelling's appearance from most vantage points in the road would be an improvement and in keeping with the already extended bungalows on each side.
6. Turning to the second issue, because of their large scale and design complexity the proposed side and rear elevations are ostensibly less acceptable to the existing building. However, the key factor is the above-mentioned fall in the land. And because the appeal scheme would achieve its additional floorspace mainly by building up, as opposed to extending out into the garden, the effects on both the host dwelling and Nos. 17 & 19 are limited.
7. Indeed, No. 17 has already been extended in a similar manner to the appeal scheme. This dwelling is at a higher level and orientated so that views from its rear windows and balcony are over its own large garden rather than towards the appeal property. The combination of land levels, orientation and the presence of mature trees would mean that the proposed additions to No. 18 would neither be overbearing nor result in a loss of outlook or privacy to the occupiers of this neighbour.
8. As regards the impact on No. 19, the rear of the appeal dwelling faces northeast whilst the rear of this property faces southwest. This has the effect of the proposed extension being a significant distance from the rear windows and garden of this neighbour and I consider that this precludes any potential for No. 18 to be overbearing or cause a loss of outlook.
9. In respect of privacy, there would be some potential for overlooking of No. 19's garden from the side windows and raised terrace. However, because of the angled relationship between the two buildings, views would be oblique rather than direct. I also note that outdoor amenity facilities have already been approved at Nos. 19 & 20, with the Council's officer reports accepting that there is mutual inter-visibility between dwellings.

Conclusions and Conditions

10. On both main issues, the effect on the character and appearance of the host dwelling and the street scene and on the living conditions (outlook and privacy) for neighbours, I find that no unacceptable harm would be caused. Accordingly, there would be no conflict with Policies DE1, DE3 & DE5 of the Torbay Local Plan 2012-2030 and paragraph 135 of the National Planning Policy Framework revised December 2024.
11. For these reasons and having had regard to all other matters raised I have concluded that the appeal should succeed, subject to conditions. A condition requiring the proposal to be carried out in accordance with Drawing No. 024-019-1-B and the details thereon is needed for the avoidance of doubt and is in the interests of proper planning. A condition limiting working hours will safeguard neighbours from undue noise and disturbance.
12. Other suggested conditions are on balance unnecessary. For example, there is no evidence whatsoever of bats or nesting birds in the Ecology Report and as regards

bats it was considered that the building had 'low bat roost potential'. Furthermore, no condition relating to bats is suggested in the Appeal Questionnaire.

13. As boundary planting is proposed as part of the scheme to reduce the level of inter-visibility I consider that it is reasonable to impose a simplified landscaping condition as regards its inception and long term retention.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS based Location Plan & Drawing No. 024-019-1-B including the notes and annotations;
- 3) No construction works and ancillary operations shall be carried out outside the following hours: 0800-1800 Mondays to Fridays; 0800-1300 Saturdays and at no times on Sundays and Bank Holidays;
- 4) The 2.5m planting on the southeast boundary shall be carried out no later than the first planting season after the completion of the development. If any of the boundary planting dies, is damaged or becomes diseased within five years of planting it shall be replaced with specimens of the same species.