



Appeal Decision

Site visit made on 1 July 2025 by K Hole BA (Hons)

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/X1165/D/25/3365362

17 Manscombe Road, Torquay TQ2 6SP

- 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 Arjun Mehta against the decision of Torbay Council.
 - The application Ref is P/2024/0757.
 - The development proposed is a first floor extension above the garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the appeal proposal on the character and appearance of the appeal dwelling and the surrounding area.
 - The effect of the appeal proposal on the living conditions of the occupiers of 15 Manscombe Road in terms of overlooking, outlook and light.

Reasons for the Recommendation

Character and appearance

4. The appeal property is a large, detached two-storey dwelling with a single storey garage attached to the side. It is located within an area characterised by large, detached dwellings that vary in style and design, with many appearing to have been altered and extended. In general, there is consistent spacing between dwellings which establishes a uniform layout to the street scene.
5. There are some examples where dwellings are positioned close to their side boundary including the appeal dwelling and its neighbour, 15 Manscombe Road. However, in this case, because the garage adjacent to the side boundary is single storey, the sense of space between the properties that is characteristic of the street scene is retained.
6. The appeal proposal seeks to create an additional storey of living accommodation above the garage. The proposed extension is well designed and proportionate to

the appeal dwelling balancing out the visual appearance of the front elevation. Therefore, on its own, the proposed extension would not dominate the appearance of the appeal dwelling. However, due to the increased height and mass that would infill the space above the existing garage and between the appeal dwelling and 15 Manscombe Road, the appeal dwelling would appear cramped within its plot. As such, the appeal proposal would amount to an incongruous addition to the street scene and would result in harm to the character and appearance of the area.

7. My attention has been drawn to examples of similar nearby development, notably at 1, 20 and 25 Manscombe Road. However, I do not consider these directly comparable to the appeal proposal. Numbers 1 and 25 Manscombe Road are set in spacious corner plots and are slightly angled away from the highway. Furthermore, the location of the two-storey extension at 20 Manscombe Road is separated from the adjacent dwelling by a large area of garden space. Therefore, the examples provided are different in that they have accommodated a side extension without appearing cramped within their plot. Notwithstanding this, I have considered this appeal on its own merits.
8. The appeal proposal would therefore conflict with policies DE1 and DE5 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan. These policies seek good design and require among other things, that extensions have no adverse effects on the street scene and character and appearance of the area.

Living Conditions

9. There are windows at 15 Manscombe Road on the flank wall that face the appeal property. I have not been provided with any substantive evidence that those windows do not serve habitable rooms. Nonetheless, due to the sloping topography of the area, the appeal dwelling is positioned at a higher elevation and the garage is level with the first-floor windows.
10. The plans indicate that there would be no windows on the elevation that faces 15 Manscombe Road and as such there would be no direct overlooking from the appeal dwelling. However, given the appeal dwelling's elevated position, the height and mass of the proposed extension, and close proximity between the properties, the appeal proposal would be overbearing and dominate the views from the first-floor windows on the flank wall of 15 Manscombe Road, unacceptably affecting the outlook of residents from those windows. For the same reasons, the level of natural light received through these windows would be diminished.
11. The appeal proposal would therefore conflict with policies DE3 and DE5 of the Torbay Local Plan which resist development that unduly impacts the living conditions of neighbouring occupiers including matters such as outlook and light.

Conclusion and Recommendation

12. The proposal would provide very limited and temporary benefits in terms of employment opportunity during works. The Appellant has highlighted a possible increase in the Council Tax payable should the appeal scheme increase the value of the property. However, there is no substantive evidence before me to suggest that the appeal scheme would result in an increase in the Council Tax payable and I therefore attach very limited weight to this claimed benefit. I also acknowledge the Appellant's motivation to create additional usable space. However, this would be a

private benefit of the proposed development limited to the occupiers of the appeal dwelling.

13. Overall, the benefits of the scheme would not, in my view, outweigh the harm identified above in relation to character and appearance and in respect of adverse effects on the living conditions of residents, and the resulting conflict with the development plan when taken as a whole, to which I attach significant weight in this recommendation.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

K Hole

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR