



Appeal Decision

Site visit made on 17 April 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/X1165/D/24/3356049

131 Torquay Road, Paignton, Torbay, TQ3 2SG

- 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 David Watts against the decision of Torbay Council.
 - The application Ref is P/2024/0477.
 - The development proposed is existing door, windows and roof to be replaced on single storey porch extension to side of the property.
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Decision

1. The appeal is allowed and planning permission is granted for existing door, windows and roof to be replaced on single storey porch extension to side of the property at 131 Torquay Road, Paignton, Torbay, TQ3 2SG in accordance with the terms of the application, Ref P/2024/0477, 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 roof tiles and brickwork of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with drawing numbers 23.61_PL_001, 23.61_PL_003, 23.61_PL_005.
 - 4) Prior to their installation, the following details of the windows and doors of the porch hereby permitted shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Broken sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors
 - b) Reveal sections, drawn to a scale of 1:1-1:10
 - c) Sill sections, drawn to a scale of 1:1-1:10
 - d) Details of the profile, texture, colour, and finish of all new windows and doors

The development shall then be carried out in full accordance with the approved details and shall be retained as such thereafter.

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.

Preliminary Matter

3. Permission was previously granted on the appeal site for a similar scheme that had a condition attached requiring the materials of the proposed porch to, amongst other things, be of a similar or same standard to timber, unless otherwise agreed with the local planning authority. The current appeal proposal follows an application and an appeal to remove this condition that were both refused.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the setting and significance of designated heritage assets directly adjacent.

Reasons for the Recommendation

5. The appeal site, although not subject to a designation itself, is in an area of heritage sensitivity. The site is located within the setting of the Polsham Conservation Area (PCA) and is opposite the Grade II listed buildings of 4, 6 and 8 Higher Polsham Road which, amongst other things, derive significance from their original timber window frames. It is therefore particularly important that the development proposed, including the materials used, is of high quality and respects local character.
6. The loss of traditional windows and their replacement with unsympathetic uPVC types is identified in the Polsham Conservation Area Character Appraisal, produced in 2008, as a potentially damaging intrusion to the PCA. Whilst I have taken this into account, on my site visit I saw that in areas of the PCA close to the appeal site the proportion of uPVC windows significantly exceeds that of the remaining timber windows. Therefore, although timber window frames may have formerly been a key characteristic of this part of the PCA and may well still be a key feature of other parts of the PCA, replacement has occurred here to such an extent that their contribution to the significance of this part of the PCA is now more limited.
7. At the appeal site, most windows on the main building are uPVC, with various types and colours of frames. Whilst some are of high quality, others do not have an appearance that is sympathetic with the character of the adjacent heritage assets. To the side of the main building, the porch features timber frames and shares a clear visual link with the listed buildings through its location directly opposite.
8. Whilst I do not have information on the condition of the porch when the site was visited by the previous Inspector, on my visit I found its appearance to be worn and in poor condition. Consequently, the existing porch detracts from the setting of the adjacent heritage assets. In this location close to the sea, weathering is likely to take its toll on such timber frames, and there is no substantive evidence before me that this is a result of deliberate neglect. I therefore consider the existing condition of the porch to be relevant to my assessment of the appeal proposal.
9. The proposed development would make alterations to the porch by replacing its existing door, roof and windows, with the latter changing from timber to timber-effect uPVC. Although the appellant has provided indicative details of the proposed windows, they show relatively flat profiled windows with chunky frames quite different to the existing timber frames. It has also been suggested that they could be two-tone in grey and white, however that would appear somewhat jarring in this

context where windows and their frames are largely a single colour, and most are white. Therefore, I do not have sufficient detail before me to be satisfied that any of the indicative options suggested would be appropriate in such a sensitive location.

10. Nevertheless, there are many different options available for timber-effect uPVC windows, of varying quality. I am therefore satisfied that a high-quality timber-effect window design could be achieved on the site. Further detail would need to be provided to ensure the detailed design would respect the surrounding area, however this could be secured by condition.
11. The use of timber-effect uPVC would create a degree of inconsistency in materials both on the appeal property and with the heritage assets opposite. However, given the amount and variety of uPVC on the appeal property and in the local area, both inside and outside the PCA, and taking into account the poor condition of the existing windows, the harm would be limited. Balanced against that, the pitched roof design of the proposed porch would be consistent with other porches in the area and consequently would be more sympathetic to the appearance of the appeal property than the existing porch. This benefit would balance the limited harm such that, taken as a whole, the proposal would have a neutral effect on the character and appearance of the area and the setting of the heritage assets.
12. Consequently, subject to the recommended conditions, the proposed development would preserve the setting of the nearby listed buildings and the PCA, and therefore their significance. It also would not harm the character and appearance of the area. Therefore, the proposal accords with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030 (adopted 2015) which require development proposals to be well-designed and respect and enhance the character of the built environment including nearby heritage assets. It also accords with Policy PNP 1(c) of the Paignton Neighbourhood Plan 2012-2030 (adopted 2019) insofar as it seeks that proposals strengthen local identity by respecting the use and colour of local materials.

Conditions

13. In addition to the joinery details condition discussed above, I recommend conditions for commencement and for development to be carried out in accordance with the approved plans, to provide certainty. As the porch would not be formed out of timber, I have adapted the wording of the materials condition suggested by the Council. The condition I instead recommend ensures that the roof tiles and brickwork of the proposed porch will match the existing building in the interests of the character and appearance of the area.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR