



Appeal Decision

Site visit made on 25 June 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/X1165/W/25/3359882

8 Edinburgh Road, Brixham, Torbay TQ5 9PH

- 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 Melvin Clarke and Mr Gavin Gutteridge against the decision of Torbay Council.
- The application Ref is P/2024/0791.
- The development proposed is 1 no new detached houses on C3 residential land following approval of Application Number: P/2023/0447/CP and demolition of flank extension to no 8.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the parking provision of the appeal site and the surrounding area.

Reasons

Character and appearance

3. The appeal site (No 8) comprises a two-storey semi-detached dwelling. The main dwelling is of brick form and its single-storey flat roof side extension to be removed contains white vertical cladding. There is a narrow access road to its side leading to a rear public open space, with closeboard fencing along the side boundary.
4. Edinburgh Road predominantly consists of two-storey semi-detached dwellings with some noticeably regimented designs and building lines. There are some bungalows in the wider vicinity, including a detached dormer dwelling towards the Rea Barn Road junction. Provision of a detached dwelling within the appeal site would therefore not in itself lead to an entirely novel addition to the surrounding area.
5. Dwellings along Edinburgh Road are generally well-spaced at upper floor level, despite some substantial additions to the original side elevations. The gap between No 8 and No 10 is particularly spacious due to No 10 tilting away towards the Queen's Crescent junction, and the intervening narrow access road. The spacious setting of No 8 therefore forms a positive contribution to the character of the surrounding area.

6. The proposed new dwelling and its full side gable end would sit very close to the side boundary, and its two-storey form would be deeper than that of No 8 both to the front and rear. Due to the proposal following the slightly angled side boundary, the dwelling would also project partially beyond the two-storey front building line of No 8 and the adjoining No 6. This would also lead to a very narrow gap at the front between the other side gable of the new dwelling and the retained dwelling of No 8.
7. The new dwelling would be noticeably narrower than the retained No 8. However, the footprint and bulk in relation to No 8, and the limited separation gaps to both No 8 and the side boundary, would collectively make the new dwelling appear very cramped and squeezed in when compared to surrounding built forms. This would greatly detract from the spacious character of the site and the surrounding area.
8. Ground levels and dwellings are notably higher along Edinburgh Road towards Rae Barn Road. The proposed dwelling would still however form a prominent addition to the streetscene, as clear views of its bulky side profile would remain possible along Edinburgh Road.
9. I saw no gable ends in the vicinity that are similar to those proposed for the new dwelling. Its gabled roof form would therefore further accentuate its very cramped appearance and its conspicuousness. I accept that the existing hipped roof of No 8 could be extended to the side to provide a full gable end, through permitted development¹. However, were this extension to be built alongside the proposed new dwelling, this would have only further accentuated No 8's very cramped relationship with the new dwelling. Use of traditional materials would not mitigate the significant visual harm that would arise.
10. I also noted some terraced dwellings in the wider vicinity. My attention has been drawn specifically to several nearby dwellings extended to the side, to provide an additional dwelling as part of a terrace of three. No 17a Edinburgh Road² is however angled away from the semi-detached No 15 to its side. It also has a slightly narrower two-storey form than No 17 in which it adjoins to, and has a similar side hip roof form.
11. On Penn Meadows, No 16a³ is on a corner plot by the Edinburgh Road junction. Its width is more commensurate with the adjoining No 16 and its two-storey footprint also noticeably projects beyond No 16's front elevation. It is however significantly set away from its side boundary with Edinburgh Road, and contains hipped roofs. No 24a⁴ has the same eaves and ridge height and side hip form as the adjoining No 24, and is also slightly narrower. Its angled siting away from a row of garages and terraced bungalows further beyond means that it has a spacious setting.
12. The above cited examples are all materially different to the proposed detached dwelling subject of this appeal. I have also found that the cited examples retain a spacious feel and have well-integrated designs, and thus do not detract from the character of the area.
13. In conclusion, for the above reasons the proposed new dwelling would result in significant harm to the character and appearance of the surrounding area, contrary to Policy DE1 of the Torbay Local Plan (2015) (TLP) and Policy BH5 of the Brixham

¹ Council Ref: P/2023/0447

² Council Ref: P/2014/0500

³ Council Ref: P/2017/0210

⁴ Council Ref: P/202020/0978

Peninsula Neighbourhood Plan (2019) (BPNP). Collectively, these policies require, among other things, development to be well-designed, to respect and enhance the character of the natural and built environment, including settlement patterns, and to relate to the surrounding built environment in terms of scale and massing.

14. The decision notice also cites conflict with Policy BH6 of the BPNP which governs roofscape and dormer management. The proposed rear dormer for the new dwelling would be noticeably below the ridge line and set in from the sides and eaves lines. The dormer window would not be disproportionately sized in relation to the windows on the below floors. Therefore, notwithstanding the wider and significant harm that I have identified as set out above, the proposed dormer in itself does not conflict with Policy BH6 of the BPNP.

Parking provision

15. The existing access crossover to serve No 8 is adjacent to the narrow side access road, as there is a front pedestrian gate and lower brick wall along the Edinburgh Road frontage. The existing dwelling of No 8 contains three bedrooms and the proposed dwelling would also provide three bedrooms. The submitted plans do not precisely set out how vehicles could park within the appeal site, although a new vehicular crossover is indicated to the front of the retained No 8.
16. Edinburgh Road has a relatively wide carriageway with footways on both sides, typical of a suburban area. Although my site visit was a snapshot in time outside of a peak period, I noted some on-street parking in the vicinity of the proposal. Vehicles were parked fully on the carriageway or partially on the footway. This still provided sufficient space for all highway users. Whilst not all nearby dwellings had driveways (including No 6), I saw that most dwellings had off-street car parking provision within their plots.
17. I observed a greater amount of on-street parking nearby along Rea Barn Road, near the rugby club grounds opposite the Edinburgh Road junction. I also saw that this road is served by a bus route. I did not see any parking restrictions on Edinburgh Road or other roads surrounding the proposal site.
18. Policy TA3 of the TLP requires, amongst other things, appropriate provision of car parking spaces in all new development. Both TLP Policy TA3 and Policy BH8 of the BPNP seek development proposals to meet the guideline requirements as set out in Appendix F to the TLP, which requires two car parking spaces per dwelling, and is expressed as a minimum standard. This provision is intended to allow for car ownership, but to also reduce on-street parking.
19. Appendix F also states that parking space for new development will be regarded as being a minimum size of 2.4m width and 4.8m depth. Where parking spaces are accessed directly from the highway (as is the case for the appeal proposal), each parking space shall be 3.2m in width and 6m in depth, or 5.5m minimum depth where there is no door opening into the parking area. This is to ensure that the highway is not obstructed.
20. Irrespective of whether the 5.5m or 6m space depth standard is applied, there would be insufficient space to comply with these prescriptive off-street parking space requirements. However, to my mind the proposed parking space in front of the new dwelling would provide sufficient parking space for either one large vehicle

or two smaller vehicles, even when having regard to the irregular layout adjacent the side access road and the space needed for bin and cycle storage.

21. It would also be possible to provide one off-street parking space for a larger vehicle in front of the retained dwelling of No 8. Due to the existing front porch of No 8, there would only be space for a small vehicle to park in front of it without overhanging the footway. Potential occupiers of either dwelling would however likely be aware of these vehicle size limitations before any occupation.
22. Some neighbouring residents have raised concerns regarding parking pressures arising from the rugby club and other nearby facilities, including two schools and a swimming pool. There is however little further evidence before me to demonstrate that the extent or severity of any such intermittent local parking problems would warrant the dismissal of the appeal on highway safety grounds.
23. The proposal's location near to the above facilities and the bus route would provide opportunities to reduce the reliance on the private car as encouraged by the National Planning Policy Framework (the Framework). This could support lower levels of car ownership and lead to lower parking demand.
24. Even if the proposal would result in some regular on-street parking, such parking could be undertaken safely and without undue inconvenience to existing residents and other highway users. This is due to the wide public carriageway widths and the generally spacious layout of the nearby roads, which provide long sections of footway to park alongside.
25. I therefore conclude that the proposed parking provision would be sufficient for the appeal site and surrounding area. Thus the proposal complies with Policies TA2 and TA3 of the TLP and Policy BH8 of the BPNP taken as a whole, despite the lack of full compliance with TLP Appendix F. Collectively, these policies require, among other things, development proposals to make appropriate provision of parking spaces, to ensure an adequate level of safety, and to not impact on the wider network including by causing or adding to congestion.

Other Matters

26. The site is within the Special Area of Conservation (SAC) Recreational Zone for Berry Head Country Park. Recreational pressure from new developments may affect the wildlife interests of the Berry Head component of the South Hams SAC. Qualifying features include calcareous grassland and sea cliffs, with their associated species.
27. There is dispute between the main parties as to whether a legal mechanism is needed to secure a financial contribution to mitigate such increases in recreational pressure, to avoid an adverse effect upon the integrity of the European site. The appellants' view is that this mitigation could be secured by means of a suitably worded planning condition. Had I been minded to allow the appeal, I would have had to make a finding on this matter.
28. It would also have been necessary for me to undertake an Appropriate Assessment to ensure compliance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal for another reason, I am not pursuing the above matters further as it could not lead me to a different decision.

29. The South West Water consultation response refers to another site in Brixham rather than the appeal site. As the decision notice does not include a reason for refusal relating to water, drainage or flood risk, I must assume that the Council has identified no harm in these respects. A lack of harm however neither ways in favour nor against allowing the appeal.

Planning Balance

30. I have found that the proposal would comply with Policies TA2 and TA3 of the TLP and Policies BH6 and BH8 of the BPNP. I have however found that there would be a significant harmful effect on the character and appearance of the surrounding area, contrary to Policy DE1 of the TLP and Policy BH5 of the BPNP. I therefore conclude that the proposal is contrary to the development plan taken as a whole.
31. The officer report refers to Torbay Council having a housing land supply of 2.17 years as published in April 2023. It is likely that the subsequent revisions to the Framework require the Council to now provide a greater number of new homes. I also note that the 2023 Housing Delivery Test (HDT) results published by the Government in December 2024 shows Torbay's HDT result as 66% (i.e. between the financial years of 2020-2023, there were only 66% as many completions as the number of homes required).
32. The above evidence indicates that there has been a substantial and persistent shortfall in housing delivery across Torbay in recent years. In such circumstances, paragraph 11 d) of the Framework is engaged by footnote 8 and states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
33. Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework. Good design remains one of the fundamental tenets of the Framework, even if a site such as this is not in a Conservation Area, or subject to an Article 4 direction, or close to a heritage asset.
34. The significant adverse visual impact of the proposal would be permanent and longstanding. I therefore attach full weight to the conflict with DE1 of the TLP and Policy BH5 of the BPNP in which I have identified.
35. The principle of the proposed development as a windfall site is supported, given its sustainable location in one of Torbay's three main towns. The proposal also forms an efficient use of land within an existing residential curtilage. The dwelling would no doubt meet the needs of a family and would assist in addressing Torbay's substantial housing supply shortfall, without compromising the ability of future generations to meet their needs.
36. The proposed internal floor area would exceed the national space standards⁵. EV charging points would be provided for both the retained and proposed dwelling, and both their garden sizes exceed the requirements as set out in the supporting text to

⁵ Technical housing standards – nationally described space standard (DCLG; 2015)

TLP Policy DE3. The existing dwelling however already benefits from a large garden, and I see no reason why it could not be provided with an EV charging point irrespective of the outcome of this appeal.

37. The proposal would make a small but positive contribution to housing supply. Small sites such as this can cumulatively provide a significant contribution to the overall housing need. Moderate weight is therefore afforded to this provision of one dwelling and the other associated benefits as identified above.
38. Although the precise external material specifications are not before me, the building materials would have a low environmental impact insofar as they would be sourced locally. At least 50% of the timber to be used would come from a sustainable source, and insulation would have a zero-ozone depletion rating. Wherever possible, aggregates to be used would be waste or recycled products. Various water consumption restriction and rainwater capture measures are also proposed. As the evidence before me does not specifically quantify these sustainability credentials, I can only afford these matters limited weight.
39. Taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

40. For the reasons given above, the appeal is dismissed.

R Cahalane

INSPECTOR