



Appeal Decision

Site visit made on 2 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025.

Appeal Ref: APP/X1165/D/25/3368785

14 Heritage Way, Brixham, Torbay TQ5 9FN

- 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 John Henley against the decision of Torbay Council.
 - The application Ref is P/2025/0137.
 - The development proposed is described in the application as “roof conversion with rear facing dormer extension. This was applied for as a certificate for lawful consent which was refused in March 2024 and is currently being appealed.”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form states that work began in November 2021 and at the time of my visit I saw that the external works to the dormer were complete. I note that the application has been dealt with retrospectively. I have dealt with the appeal on that basis and the plans before me.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a detached property in the heart of a modern housing estate. Here, properties tend to be uniform in their design with roofscapes that include very modest flat and pitched roof dormers. There are examples of larger dormers in the wider area, as shown within the appellant's photographs, though these are set apart from the appeal site and its surrounds.
5. It is within a National Landscape (NL) where great weight should be given to enhancing landscape and scenic beauty. However, as the appeal property forms part of an urban area surrounded by housing, its effects on the NL are negligible. Consequently, there is little to show any conflict with Policy SS8 of the Torbay Local Plan (LP) or Policy E1 of the Brixham Peninsula Neighbourhood Plan (NP) in this respect.
6. The appeal property has a slightly unusual layout within the estate where one of its gable ends leads to the private garden space. Its rear elevation, where the dormer is located, is next to an open parking area fronting the street, making it eminently viewable from public vantage points.

7. While the dormer includes cladding materials and a colour scheme to match the neighbouring property, it nevertheless stands out as it covers the vast majority of the roof's width. This would still be the case if it were clad in slate as shown on the plans. Additionally, the commonplace steep roof pitch design is almost entirely interrupted and dominated by the dormer's presence on one side. This creates a particularly prominent, bulky addition most unlike anything nearby. Moreover, the sheer scale of the development results in a wholly unsympathetic and lopsided appearance to the property. The development does not add to the overall quality of the area as set out in paragraph 135 of the National Planning Policy Framework.
8. The dormer is not visible from the front elevation of the appeal property. The appellant provides selective photos of where it can be seen from and submits that it is less visible from some streets. Having walked around the surrounding streets, I was however able to clearly see the development from many angles, despite being of average height. Its untypical design and scale is quite obvious.
9. For the reasons given, while effects on the NL are acceptable, I conclude that the development harmfully affects the character and appearance of the area. As such, there is conflict with policies BH5 and BH6 of the NP and DE1 and DE5 of the LP. Collectively in this respect, these policies require proposals to be of a design construction that reflects the intrinsic qualities of the original building without dominating it, respecting, and integrating with the character and appearance of the surrounding area.

Other Matters

10. I acknowledge submissions in respect of an application for lawful consent under reference P/2021/0930. However, this is not a matter for this appeal.
11. I have paid regard to the comments made in respect of the processing of the application. However, this has no bearing on my decision which is based on the planning merits of the proposal.
12. Even in the absence of objections to the proposal from local residents or the local council, this is not a reason in itself to allow unacceptable development.
13. It is acknowledged that the development provides additional family accommodation which can be considered a social benefit. However, any such benefits do not outweigh the harm I have identified above.

Conclusion

14. For the reasons given above the appeal should be dismissed.

J Hills

INSPECTOR