

Report to Development Management Committee on Recent Planning Appeal Decisions

23rd November 2011

Introduction

Between 5th September 2011 and 23rd November 2011 there have been 6 appeal decisions made. All of these were dealt with by the Written Representation method. The appeals concern householder/residential proposals and were all made under Section 78 of the Town and Country Planning Act 1990. All 6 of the appeals were lodged against a refusal to grant planning permission by Torbay Council. Of the 6 appeal decisions, 5 were dismissed and 1 was allowed.

The allowed appeal has already been brought to Members attention at a previous Planning Committee.

Below is a brief summary of the appeals dismissed, followed by the details of the appeal which was allowed. If Members require any greater detail on any specific appeal case, then please contact the case officer.

Appeals Dismissed (5)

- 1) Site:- Land adjacent to 19-21 Penn Lane, Brixham, Devon TQ5 9NR**
Case Officer:- Alison Read
LPA ref:- P/2011/0276/HA
Ward:- St Marys With Summercombe
Proposals The development proposed is the formation of a double garage.
Council's decision:- Delegated Refusal.
Inspector's reasons:- The main issue in this appeal were the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular reference to noise and disturbance and outlook..
- 2) Site:- 47 Fowey Avenue, Shiphay, Torquay, Devon TQ2 7RE**
Case Officer:- Alix Cathcart
LPA ref:- P/2011/0422/HA
Ward:- Shiphay With The Willows
Proposals:- The development proposed is formation of extensions with lower ground and ground floors.
Council's decision:- Delegated Refusal.
Inspector's reasons:- This was the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.
- 3) Site:- 11 Chiltern Close, Torquay TQ2 6UD**
Case Officer:- Alexis Moran
LPA ref:- P/2011/0615/HA
Ward:- Cockington With Chelston
Proposals:- The development proposed is a dormer roof extension to form two bedrooms and bathroom.
Council's decision:- Delegated Refusal.

Inspector's reasons:- The main issues were the effect of the proposal on the character and appearance of the host property and the locality and on the living conditions of neighbours.

4) Site:- 11 North View Road, Brixham TQ5 9TS

Case Officer:- Alison Read

LPA ref:- P/2011/0444/HA

Ward:- Berry Head With Furzeham

Proposals:- The development proposed is a dormer to the front of the property.

Council's decision:- Delegated Refusal.

Inspector's reasons:- The main issue was the effect of the proposal on the character and appearance of the host property and the locality.

5) Site:- 87 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JF.

Case Officer:- Ruth Robinson

LPA ref:- P/2010/1062/PA

Ward:- Berry Head With Furzeham

Proposals:- The development proposed is the construction of an attached two bedroom dwelling.

Council's decision:- Delegated Refusal.

Inspector's reasons:- The two main issues are whether the proposal would: preserve or enhance the character or appearance of the Lincombes Conservation Area (LCA) or harm the setting of Kents Cavern Scheduled Ancient Monument (SAM) and; result in a harmful increase in on-street car parking.

Appeals Allowed (1)

Appeal for none determination.

1) Site:- Goodrington Lodge, 23 Alta Vista Road, Paignton, Devon, TQ4 6DA.

Case Officer:- John Burton

LPA ref:- P/20110021/VC

Ward:- Roundham With Hyde

Proposals:- The application sought planning permission for: a) an extension and amended layout to flat 5 without complying with a condition attached to planning permission Ref. P/2008/1663/PA, dated 5 February 2009; b) alterations and change of use of front part of building to form 5 holiday flats without complying with a condition attached to planning permission Ref. P/2008/1263/PA; c) a change of use of rear part of building to 3 holiday flats without complying with a condition attached to planning permission Ref. P/2008/0961/PA and; d) alterations and conversion from hotel to 6 holiday flats without complying with a condition attached to planning permission Ref. P/2008/0217/PA.

Council's decision:- Due to this case being an appeal for none determination a report was brought to planning committee. Committee decided inline with officer recommendation that had the application been determine it would have been refused.

Inspector's Reasons:- The three main issues were: whether the proposals would harm the character or function of the PHAA; whether adequate living conditions would exist for 'permanent' occupiers of flats GL2 and No.5, having particular regard to room sizes and; the implications for car parking.