

Report to Development Management Committee on Recent Planning Appeal Decisions

May 2012

Since the last appeal report in January there have been 29 appeal decisions made. All of these were dealt with by the Written Representation method. 28 of the appeals were lodged against a refusal to grant planning permission by Torbay Council, the remaining appeal was against an enforcement notice. Of the 29 appeal decisions reported here, 19 were dismissed and 10 were allowed, this results in a percentage dismissed of some 65%.

It is worthy of note that 8 of the appeal decisions were at the same site (Belvedere, Marine Parade, Preston) and dealt with identical issues in relation to a proposed variation of condition to allow permanent residential occupancy. Given that the site, the issues and the decisions were identical in each case these decisions could be considered as one. Were these appeals combined, then the total number of appeals would decrease to 22, the number allowed decreases to 3 and the **percentage dismissed would increase to 86%**.

There now follows a brief summary of the appeals dismissed, followed by the details of those appeals allowed. If Members require any greater detail on any specific appeal case, then please contact the case officer.

Appeals Dismissed (19)

Site:- FLAT 2-4 & 6, 28 KENTS ROAD, TORQUAY, TQ1 2NL

Case Officer:- Scott Jones

LPA ref:- P/2010/1336/PA

Ward:- Wellswood

Proposals:- Formation of extension at rear at first floor level

Council's decision:- Delegated refusal

Issues:- Poor design and detrimental impact on Lincombes Conservation Area

Site:- THE HAWTHORNS, JACKS LANE, TORQUAY TQ2 8QX

Case Officer:- Adam Luscombe

LPA ref:- P/2010/1367/HA

Ward:- Watcombe

Proposals:- Installation of shed in front garden

Council's decision:- Delegated refusal

Issues:- Visual impact on streetscene

Site:- SHEDDEN HALL HOTEL, SHEDDEN HILL, TORQUAY, TQ2 5TX

Case Officer:- Jamie Staples

LPA ref:- 2010/0505/EN

Ward:- Tormohun

Proposals:- Continued use of the hotel for guests staying for extended periods of time, the appellant argued that the site is not being used as a hostel

Council's decision:- Committee agreed to take enforcement action against change of use to a hostel

Issues:- Inspector agreed that a change of use had taken place and that the site in the PHAA was no longer in use as a hotel, he further agreed that this was in breach of planning and that the enforcement notice should be upheld.

Site:- 120 WESTHILL ROAD, TORQUAY TQ1 4NT

Case Officer:- Adam Luscombe

LPA ref:- P/2011/0398/HA

Ward:- St Marychurch

Proposals:- Shed in front garden

Council's decision:- Delegated refusal

Issues:- Visual impact on streetscene

Site:- 2 SPRINGFIELD ROAD, TORQUAY TQ1 3QA

Case Officer:- Robert Pierce

LPA ref:- P/2010/1373/PA

Ward:- St Marychurch

Proposals:- Conversion of existing garage to one bedroom dwelling with vehicle access

Council's decision:- Delegated refusal

Issues:- Overdevelopment, leading to town cramming and out of character with established residential pattern

Site:- 8 EDINBURGH ROAD, BRIXHAM, TQ5 9PH

Case Officer:- Alison Read

LPA ref:- P/2011/0558/OA

Ward:- St Marys With Summercombe

Proposals:- Demolition of single storey flat roof extension and formation of two storey side addition to form 1 number 2 bedroom dwelling with vehicular and pedestrian access (In Outline)

Council's decision:- Delegated refusal

Issues:- Harmful impact on the character and appearance of the area

Site:- 41 SHELLEY AVENUE, TORQUAY, TQ1 4PF

Case Officer:- Alison Read

LPA ref:- P/2011/0073/PA

Ward:- St Marychurch

Proposals:- Change of use of side extension to form new dwelling with 2 bedrooms with parking bay for one vehicle and side access to rear private garden

Council's decision:- Delegated refusal

Issues:- The proposal goes against the prevailing pattern and form of development and as such would be out of character. Furthermore the dwelling would not provide a satisfactory residential environment for future occupiers

Site:- 16 SMARDON AVENUE, BRIXHAM, TQ5 8JN

Case Officer:- Alison Read

LPA ref:- P/2011/0129/PA

Ward:- Berry Head With Furzeham

Proposals:- Formation of bungalow within curtilage of 2 Cambridge Road and 16 Smardon Avenue

Council's decision:- Delegated refusal

Issues:- Harmful impact on the character and appearance of the area and detrimental impact on the living conditions of No. 16 Smardon Avenue.

Site:- 3 ROUNDHAM ROAD, PAIGNTON, TQ4 6EZ

Case Officer:- John Burton

LPA ref:- P/2010/0272/PA

Ward:- Roundham With Hyde

Proposals:- Conversion from 4 flats into 2 dwellings; formation of extensions

Council's decision:- Delegated refusal

Issues:- The scheme would not preserve the character of the Conservation Area, the windows would be too modern in appearance and unsympathetically proportioned

Site:- DEVONSHIRE HOTEL, PARKHILL ROAD, TORQUAY, TQ1 2DY

Case Officer:-

LPA ref:- P/2011/0221/LB & P/2011/0194/PA

Ward:- Wellswood

Proposals:- Installation of new aluminium windows to front elevation of conservatory (retrospective)

Council's decision:- Delegated refusal

Issues:- Detrimental impact on the character and appearance of the Conservation Area

Site:- SITE AT 16 RHODANTHE ROAD, PAIGNTON, TQ3 1RD

Case Officer:- Alexis Moran

LPA ref:- P/2011/0939/HA

Ward:- Preston

Proposals:- Formation of car hard standing - revised scheme

Council's decision:- Delegated refusal

Issues:- Detrimental impact on streetscene due to the extent of excavation involved

Site:- SITE AT LINCOMBE HALL HOTEL, LOWER WOODFIELD ROAD, TORQUAY, TQ1 2JX

Case Officer:- Emma Phillips

LPA ref:- P/2011/0675/PA

Ward:- Wellswood

Proposals:- Erection of owner's accommodation

Council's decision:- Delegated refusal

Issues:- Impact on the character of the Conservation Area and setting of the main hotel building

Site:- SITE AT 3 THE ROUNDINGS, GALMPTON, BRIXHAM

Case Officer:- Robert Pierce

LPA ref:- P/2011/0711/HA

Ward:- Churston With Galmpton

Proposals:- Ground and first floor rear extension

Council's decision:- Delegated refusal

Issues:- Proposal fails to preserve the character and appearance of the Conservation Area

Site:- SITE AT 24 NORTH ROCKS ROAD, PAIGNTON, TQ4 6LF

Case Officer:- Robert Pierce

LPA ref:- P/2011/0697/PA

Ward:- Churston With Galmpton

Proposals:- Extension and conversion of existing double garage into a dwelling and erection of detached garage

Council's decision:- Committee refusal in line with recommendation

Issues:- Lack of s106 and detrimental to the character and appearance of the surrounding area

Costs Decision:- Cost application was refused

Site:- LAND ADJ. OVERSANDS, LIVERMEAD HILL, TORQUAY, TQ2 6QX

Case Officer:- Emma Phillips

LPA ref:- P/2011/0484/PA

Ward:- Cockington With Chelston

Proposals:- Construction of new enclosure on existing approved flat roof and use of flat roof as a terrace with balustrading around to dwelling approved on application P/2010/1326

Council's decision:- Delegated refusal

Issues:- Impact on the character and appearance of the area

Site:- SITE AT 46 AILSCOMBE DRIVE, PAIGNTON, TQ3 3QU

Case Officer:- Alexis Moran

LPA ref:- P/2011/0897/HA

Ward:- Clifton With Maidenway

Proposals:- Decking to rear (retrospective)

Council's decision:- Delegated refusal

Issues:- Impact on neighbouring living conditions

Site:- SITE AT 10A WOODVILLE ROAD, TORQUAY, TQ1 1LP

Case Officer:- Alix Cathcart

LPA ref:- P/2011/0928

Ward:- Ellacombe

Proposals:- Formation of dwelling

Council's decision:- Delegated refusal

Issues:- Detrimental impact on the streetscene

Site:- SITE AT 7 ELBA CLOSE, PAIGNTON, TQ4 7LW

Case Officer:- Robert Pierce

LPA ref:- P/2011/0893/PA

Ward:- Churston With Galmpton

Proposals:- Formation of detached bungalow with vehicular access within curtilage

Council's decision:- Delegated refusal

Issues:- Detrimental impact on the character and appearance of the streetscene in the area

Site:- SITE AT RIVIERA MEWS, WARREN ROAD, TORQUAY, TQ2 5TN

Case Officer:- Alix Cathcart

LPA ref:- P/2011/1177/HA

Ward:- Tormohun

Proposals:- Alterations and formation of extension to form additional accommodation

Council's decision:- Delegated refusal

Issues:- Harmful impact on the character and appearance of the Conservation Area

Appeals Allowed (10, Belvedere summarised as one)

Site:- SITE AT 20/22 OLDWAY ROAD, PAIGNTON, TQ3 2TF

Case Officer:- Alexis Moran

LPA ref:- P/2010/0700/OA

Ward:- Preston

Proposals:- Ground and first floor extension at rear to provide 2 two bed flats with interconnecting entrance hall & associated parking to previously approved development (P/2008/1211/OA) (In outline)

Council's decision:- Delegated refusal

Issues:- The proposals was refused only for reason of the lack of a s106 agreement to secure appropriate mitigation for the impact of the development. The Inspector did not agree with the Council's case in that regard and found that the scheme was acceptable in the absence of contributions to defray the cost of local community infrastructure. It was concluded that the contributions sought were not reasonable or necessary and therefore failed to meet the appropriate tests.

Site:- SITE AT 42 FLEET STREET, TORQUAY, TQ2 5DW

Case Officer:- Alix Cathcart

LPA ref:- P/2011/0456/PA

Ward:- Tormohun

Proposals:- Use as A2 licensed betting office

Council's decision:- Delegated refusal

Issues:- Impact on the vitality and viability of the primary shopping frontage. The Inspector disagreed with the Council's case and found that the change of use would not have a detrimental impact on the high street due to the proposed change of use.

Site:- BELVEDERE, 37 MARINE DRIVE, PAIGNTON, TQ3 2NS

Case Officer:- John Burton

LPA refs:- P/2010/0931/VC, P/2010/0864/VC, P/2010/0947/VC, P/2011/0214/PA,
P/2010/1023/VC, P/2010/1178/VC, P/2010/1056/VC, P/2010/1236/VC

Ward:- Preston

Proposals:- Change of use / variation of condition in respect of change to permanent residential occupancy

Council's decision:- Committee decision to refuse against officer recommendation of approval

Issues:- Impact on PHAA. The Inspector gave weight to the Council's revised PHAA guidance and allowed all of the appeals on the basis that the site is within the green area and that the impact on the PHAA would not be harmful.