

Report to Development Management Committee on Recent Planning Appeal Decisions
30th June 2011

Since the 1st April 2011 there have been 9 appeal decisions made. All of these were dealt with by the Written Representation method. The appeal cases concern mainly householder/residential proposals, and were all made under Section 78 of the Town and Country Planning Act 1990. All 9 of the appeals were lodged against a refusal to grant planning permission by Torbay Council. One of the appeals sought planning permission for an extension without complying with a condition attached to a previous grant of planning approval. Of the 9 appeal decisions reported here, 7 were dismissed and 2 were allowed.

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 they should contact the appropriate planning officer.

Appeals Dismissed (7)

Site:- Chelston House, Chelston Road, Torquay

Ward:- Cockington With Chelston

Proposals:- An additional floor over the existing rear extension to provide 2 additional flats.

Council's decision:- Delegated Refusal.

Issues:- The effect of the proposed development on the character and appearance of the Chelston Conservation Area.

Site:- 25 Dartmouth Road, Paignton

Ward:- Roundham With Hyde

Proposals:- Change of use of garage and store to living accommodation and extra floor on garage to form living accommodation.

Council's decision:- Delegated Refusal.

Issues:- The main issue in this appeal is whether or not the proposed development would preserve or enhance the character or appearance of the Old Paignton Conservation Area.

Site:- 3 Wheatlands Road, Paignton

Ward:- Goodrington With Roselands

Proposals:- The erection of a conservatory on an existing terrace at ground floor level over existing lower ground floor bedroom.

Council's decision:- Delegated Refusal.

Issues:- The effect of the proposal on the living conditions of neighbouring residential occupiers.

Site:- 5 Wheatlands Road, Paignton

Ward:- Goodrington With Roselands

Proposals:- The erection of a conservatory on an existing terrace at ground floor level over existing lower ground floor bedroom.

Council's decision:- Delegated Refusal.

Issues:- The effect of the proposal on the living conditions of neighbouring residential occupiers.

Site:- 14 Hollywater Close, Torquay

Ward:- Wellswood

Proposals:- Side extension on three levels to provide ancillary living accommodation.

Council's decision:- Delegated Refusal.

Issues:- Two main issues – 1. the effect of the proposal on the character of the area, and 2. the effect of the development on the living conditions of neighbouring residential occupiers.

Site:- Imperial Court, Parkhill Road, Torquay

Ward:- Wellswood

Proposals:- Formation of car parking spaces.

Council's decision:- Delegated Refusal.

Issues:- The effect of the proposed development on the character and appearance of the Torquay Harbour Conservation Area.

Site:- 25 Luscombe Crescent, Paignton

Ward:- Blatchcombe

Proposals:- Erection of a single storey extension and alterations to the existing extension.

Council's decision:- Delegated Refusal.

Issues:- Two main issues – 1. the effect of the extension on the character and appearance of the building and of the local street scene, and 2. the impact on the living conditions of neighbours with regard to outlook and loss of light.

Appeals Allowed (2)

Site:- 11A York Gardens, Paignton

Ward:- Goodrington With Roselands

Proposals:- Planning permission was sought for an extension to form a granny flat without complying with a condition attached to an earlier planning permission. The condition (Condition no. 2) was one of Torbay's standard conditions restricting the accommodation approved to be used as a granny annexe or ancillary accommodation only.

Council's decision:- Delegated Refusal.

Issues:- The principal issue was deemed to be the effect on highway safety resulting from the proposed varying of the disputed condition.

Site:- 1 The Mount, Great Hill Road, Torquay

Ward:- Watcombe

Proposals:- Construction of decking to the inclined rear garden.

Council's decision:- Application was recommended for approval by officers, but refused by Members at their meeting on the 20th December 2010.

Issues:- The effect of the proposed decking on the character and appearance of the area and on the living conditions of neighbours, with particular regard to outlook and loss of privacy.