
Appeal Decision

Site visit made on 27 September 2016

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/X1165/D/16/3156868

23 Hartop Road, St Marychurch, Torquay TR1 4QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Langley against the decision of Torbay Council.
 - The application Ref. P/2016/0355/HA, dated 15 April 2016, was refused by notice dated 1 June 2016.
 - The development proposed is remove front garden and wall to replace with hardstanding.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the development, which has already taken place, on the character and appearance of the area.

Reasons

3. The short terrace of which No.23 forms part, and the terraces either side, have a stone-faced retaining, garden wall that fronts the road. This gives a pleasing sense of enclosure, given that the houses are raised well above the level of the road, and an attractive continuity, to the street-scene.
4. The removal of a significant section of that wall, with attendant excavation, to create a parking space in what was the front garden of No.23, has removed a good deal of that sense of enclosure, and interrupted the existing continuity the wall provides. On that basis, it has had a significantly harmful impact on the character and appearance of the area.
5. This brings the development into conflict with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 which requires development to be well-designed and respectful of context. There is a failure too to accord with the stress in the National Planning Policy Framework on high-quality design.
6. There is also tension with Policy SS10 which seeks to protect areas which make an important contribution to Torbay's built heritage. While the eastern side of Hartop Road, where No.23 sits, is not within the St Marychurch Conservation Area, Hartop Road does, in part, border it. The development has had a deleterious effect on the setting of the conservation area.

7. I can imagine that an off-street parking space is convenient for the appellant but do not believe that justifies something that has such a harmful impact.
8. It might be argued that the development, in reducing the amount of on-street parking, is beneficial, given that Hartop Road is restricted in width, and a bus route. However, any benefit is more than offset by the likely reduction in the free-flow of traffic caused by a vehicle using the parking space having to reverse into or out of it.
9. I did note that others have carried out similar forms of development on Hartop Road and surrounding streets. However, far from acting as some sort of precedent, these merely demonstrate just how harmful development of this kind can be. Harmful development carried out in the past is no sensible basis for more of the same.
10. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR