

Appeal Decision

Site visit made on 28 February 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 29 March 2017

Appeal Ref: APP/X1165/W/16/3160843

Land West of Brixham Road, Paignton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Linden Homes South West Ltd against the decision of Torbay Council.
 - The application Ref P/2015/1126/MRM, dated 16 November 2015, sought approval of details pursuant to condition No 1 of planning permission Ref P/2011/0197/MOA, granted on 29 April 2013.
 - The application was refused by notice dated 14 April 2016.
 - The development proposed is described as "submission of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development".
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 ("the Outline Consent"). Subsequent reserved matters applications were approved including under references P/2013/1229 (310 dwellings) and P/2014/0071 (38 dwellings) ("the Approved Schemes"). This appeal relates to an amended reserved matters scheme which includes, amongst other things, a higher number of two bedroom dwellings, amended parking provision and an amended layout.
3. Part E of the appeal form indicates that a revised description of development has been agreed, partly as a result of a reduction in the number of dwellings proposed. This is confirmed in the Council's written evidence. Accordingly, I have used the revised description in the heading above.

Main Issue

4. The main issue is whether the proposal would provide a high quality living environment for future occupiers with particular regard to parking and internal floor space.
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Reasons

5. The appeal site relates to the eastern bowl of the White Rock site approved under the Outline Consent and is largely grassed scrubland. Part of the wider site is under construction with a number of homes complete. The site itself consists of two separate parcels of land, the larger being to the west of Waddeton Road with the smaller part adjacent to Brixham Road.
6. The proposal is a revised scheme for 216 of the 350 dwellings approved by the Outline Consent. It would include a mixture of detached, semi-detached and terraced dwellings and apartments of which 20% are affordable. It would increase the density of housing on the site and provide a higher proportion of two bedroom units. As with the Approved Schemes, the proposal consists of three character areas; the Neighbourhood Core¹, the Residential Core² and the Countryside Edge³.
7. The Council accepts that it is possible to increase the density on the site without materially compromising the living conditions or amenity standards for future occupiers. However, it considers the current proposal would fail to deliver a high quality living environment or a good standard of amenity for future occupants. In particular, it raises concerns regarding the amount of internal floor space, the size of the proposed garages and the general levels of parking available to future residents.
8. I find these concerns well founded. Policy DE3 of the Torbay Local Plan 2012 – 2030⁴ (LP) seeks to ensure that all development provides adequate floor space to achieve a pleasant and healthy living environment. Although Policy DE3 does not directly apply them, the explanatory text is clear that in assessing proposals, regard should be had to the government's Nationally Described Space Standard (NDSS).
9. The Council has identified a number of dwellings that it considers fall below these standards. While I accept that some of the proposed dwellings either comply with, or are marginally smaller than, the internal floor levels specified in the NDSS, it is clear that in others the shortfall is considerably greater. Although I note that Policy DE3 indicates that the standards are intended to be operated flexibly, having regard to the appellant's Accommodation Schedule (AC), the level of shortfall would, in some cases, be considerable. This would fail to provide a good standard of amenity or a sufficiently high quality living environment to meet the needs of future occupiers of those dwellings. This would be contrary to LP Policy DE3 and well as LP Policies SS11 & H1 and provides a good indication that the proposal would constitute overdevelopment.
10. Turning then to parking, LP Policies DE3 requires new development to make satisfactory provision for off-road vehicle parking. Likewise, LP Policy TA3 requires all new development to provide appropriate levels of car parking in accordance with the guidelines set out in Appendix F of the LP. This, in the case of new residential development, requires an estimated 2 spaces per unit.

¹ which consists of the main frontage of the development onto the primary street and local centre.

² forming the majority of the site, it includes a range of secondary streets made up of a combination of two storey terraces, detached and semi-detached properties.

³ Located at the perimeter with many dwellings being detached.

⁴ Adopted December 2015.

However, it also recognises that in locations such as town centres, where there is a greater choice of transport, this standard may be reduced.

11. The appeal site, while not in a town centre location, is located within a highly sustainable area with good transport links and a new local centre planned nearby. It appears to me to be precisely the sort of location which would justify a reduction in the parking provision set out in Appendix F. However, the proposal would result in around 54 units which benefit from only one parking space, around 25% of the total units proposed. While I note that that this would represent only a small increase in the number of dwellings when compared to that of the Approved Schemes, it would nevertheless constitute a significant reduction in the number of spaces suggested.
12. Furthermore, the plans indicate that the proposed garages will fall below the council's minimum size requirements⁵. When coupled with the large number of dwellings with only one available space, as well as the number of spaces proposed as 'remote parking', I consider there would be a reasonable likelihood that there would be high levels of on-street parking which would dominate the site's appearance and exacerbating the harm identified above. It would also provide a further indication that the proposal would result in an overdevelopment of the site.
13. While I acknowledge that both the parking provision and garage sizes are similar to those approved by the Council as part of the Approved Schemes, I am mindful that those alternative schemes were permitted prior to the adoption of the current LP and so were determined on a different policy basis to that which is presently in place. Accordingly, although I accept that they are a material consideration in the determination of this appeal, I do not accept that they have set a precedent which would justify setting aside the requirements of an up-to date development plan.
14. Consequently, I find that the proposal would provide inadequate levels of internal floor space and insufficient parking to comply with Policies DE3 & TA3. This would fail to provide a good standard of amenity or a sufficiently high quality living environment to meet the needs of future occupiers of those dwellings. AS such, it would be contrary to LP Policies H1 & SS11 which seek t, amongst other things, to ensure that new development helps create a high quality environment which meets the needs of residents and enhances their quality of life.

Other matters

15. The Council has also indicated a number of dwellings where it considers the external amenity space would fall below adequate levels. However, I have not been directed to any evidence which would lead me to conclude that there was any such shortfall. In the absence of any direct evidence which indicates this to be the case, I am not persuaded that this would contribute to the overdevelopment identified above.
16. As part of this appeal, the appellant has submitted a revised layout which would increase the parking provision by providing two parking spaces for each two bedroom house. While I accept that this would go some way to addressing

⁵ 6m x 3.3m

the shortfall in parking provision, I do not consider it sufficient to fully mitigate the harm identified above.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR