



Appeal Decision

Site visit made on 15 March 2017

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/X1165/W/16/3165871

106 Gibson Road, Churston With Galmpton, Paignton, Devon TQ4 7LT

- 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 and Mrs Smith against the decision of Torbay Council.
 - The application Ref P/2016/0646/PA, dated 6 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is an attached two bedroom house with off street parking and amenity space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - whether or not the proposal would provide acceptable living conditions for its future occupants, with particular regard to outside amenity space; and,
 - whether or not the proposal would result in any increased risk of flooding to surrounding property or land.

Reasons

Character and Appearance

3. The appeal site comprises land to the side and rear of the semi-detached house at 106 Gibson Road. The area in the vicinity of the appeal site has a distinctly suburban nature and is characterised by a mixture of detached and semi-detached properties of one and two storeys. Dwellings are separated by modest but regular spacing and are consistently set back from the road by areas of front garden or driveway parking. These features contribute to a pleasantly spacious feel along Gibson Road and the surrounding streets.
 4. The proposed development involves the construction of a two bedroom dwelling attached to the western side of the host property, with one off-road parking space. Part of the existing rear garden of no.106 would be enclosed to form a garden for the new house.
 5. An existing two storey side extension to no.108 already to some extent serves to unbalance the pair of semi-detached properties to which the proposed house would
-

attach. Nevertheless, the proposed house would be significantly wider than that extension and yet narrower than the host property. This would create an incoherent appearance which would fail to respect the original scale and massing of the buildings. By attaching to the existing pair of semi-detached houses, the proposal would create a terrace, which is an uncharacteristic form of development in the surrounding area.

6. The pattern of development in the area maintains a good degree of openness, particularly at the road junctions. The proposed house would bring the bulk of the two storey built form considerably closer to the adjacent side road known as Ashburn Walk and as such would undermine the spacious character of the area. Whilst acknowledging that the house would not extend all the way to the site's western boundary, the remaining area of side garden would be used for the provision of a parking space and hard surfacing to form a footway around the property. This would fail to preserve the open nature of this part of the site, to the detriment of the wider street scene.
7. The proposed house would also step forward into Gibson Road, with the front elevation sitting perceptibly closer to the road than the principal elevation of the host dwelling. This would interrupt the established line of development created by the existing houses and create a further incursion into a previously undeveloped area of value to the local character.
8. The design of the house, with its flat roofed forward projection, would create an unattractive side profile when viewed from the west which would be out of keeping with the simple pitched roof style of the existing houses. Whilst noting the difficulty in matching new materials with those used in the original build, the proposed smooth painted render finish to the external walls would be at odds with the typical brick finish seen consistently in the immediately surrounding area.
9. The sweeping curve to the front of the site resulting from the junction between Gibson Road and Ashburn Walk restricts the available external space to the front and side of the proposed house, whilst there is an existing area of community off-street parking to the rear of the site. As a consequence, the site is constrained in all directions, making it difficult to comfortably accommodate even the modestly sized house proposed. The overall effect would be of a house cramped in its plot, with a distinctly more restricted garden size than is characteristic of properties in the surrounding area.
10. During my visit I saw a range of examples of nearby development cited by the appellants in support of the proposal. This included properties on Gibson Road and Ashburn Walk as well as at the junctions with Blackhaven Close and Gibson Drive. All proposals must be assessed on their individual merits and I noted, for example, the change in character moving west away from the appeal site and particularly beyond Davies Avenue to a more close-knit development pattern. Overall, nothing I saw or have been provided with by way of photographic evidence is sufficiently comparable to the appeal development to justify the harm to local character that I have identified in respect of the particular circumstances of the proposal before me.
11. Having regard to all of the above matters, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site and surrounding area. Consequently, it would be contrary to Policy DE1 of the Torbay Local Plan 2012-2030 (adopted December 2015) (TLP), which seeks to

achieve well-designed development that respects and integrates with the character and grain of the surrounding built environment.

Living Conditions

12. The proposal would provide a small area of outdoor space to the front and side of the house, together with an enclosed area of garden to the rear of the property. The plans indicate that the external spaces would provide areas of both hard surfacing and lawn.
13. Policy DE3 of the TLP requires all development to provide a good level of amenity for future residents, including useable gardens and outdoor amenity areas. The supporting text at paragraph 6.4.2.14 states that as a guideline, a minimum of 55 sqm of external amenity space should be provided for new houses.
14. The Council's submissions estimate that the total area of external space around the dwelling would be approximately 78 sqm but that this figure includes the parking space and other areas of limited amenity value such as the front steps leading to the house. It calculates that only approximately 35 sqm of this total, located to the rear of the house, would constitute practical garden space. This would fall short of the guideline amount in the TLP. These figures have not been expressly disputed by the appellants.
15. Whilst I note submissions that some new estate development close to the site provides significantly less external space than is proposed here, I do not have any specific evidence in this regard and therefore can afford this little weight in my assessment.
16. I saw during my visit that due to the curve along the front boundary of the site, the outside space to the front and side of the house would be of a restricted size and an irregular shape. As such, it would be of limited value as amenity space for future occupants of the house. The parking space would utilise a considerable portion of the space to the side of the house.
17. Land to the rear of the house would form the main useable garden space for the property. The garden would be slightly shorter than the existing garden to no.106, allowing for a pedestrian access route from the end of the garden of the host property onto Ashburn Walk, and approximately half the width of the host property's rear garden. The resulting space would be a narrow section of lawn which, although south-facing, would be surrounded by 1.8m high timber fencing.
18. Consequently, I consider that the siting, shape and size of the proposed garden space would feel unacceptably cramped and enclosed, providing a poor quality living environment for future residents. I therefore conclude that the proposal would not provide acceptable living conditions for its future occupants, with particular regard to outside amenity space, and as such would fail to comply with Policy DE3 of the TLP.

Flood Risk

19. Torbay is designated as a Critical Drainage Area and accordingly all developments require a basic Flood Risk Assessment to ensure that the risk of flooding to nearby property is not increased as a result of proposals. A basic Flood Risk Assessment accompanied the application and indicated that surface water would be disposed of by means of infiltration using a soakaway. However, details of infiltration testing having been undertaken and of the design and location of the proposed soakaway

appear not to have been provided. The Council's third reason for refusal states that the appellants had failed to demonstrate that the proposal would not result in any increased risk of flooding to surrounding land.

20. The appellants state that a further site survey to assess its suitability for the proposed method of surface water drainage has been instructed but I have no such report before me. It has been put to me that in any event, it would be possible to secure the necessary surface water drainage measures via planning condition.
21. Having considered the details of this case, I agree that it would be possible to impose a planning condition requiring that full details of surface water drainage measures to be implemented and maintained are submitted to and approved by the local planning authority prior to commencement of the development. I am satisfied that this would ensure that the revised drainage pattern resulting from the proposal would be appropriately mitigated.
22. On this basis, I conclude that the proposed development would not result in any increased risk of flooding to surrounding property or land. As such, the proposal would satisfy the requirements of Policy ER1 of the TLP, which expects development proposals to maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. I also find no conflict with advice contained within paragraph 103 of the National Planning Policy Framework that new development should not lead to increased flood risk elsewhere.

Planning Balance and Conclusions

23. The proposal would provide one additional dwelling within the built up area of Paignton. The site is conveniently located for local schools and within walking distance of neighbourhood retail and health facilities. It is in an area well-served by local bus services. As a small house, it could provide a modestly priced open market dwelling in an area of identified need for starter homes. High standards of energy efficiency and roof-mounted solar panels would bring environmental benefits. These are matters that weigh in favour of the proposal. However, given the limited scale of the proposal, these benefits attract only modest weight in my assessment of this case.
24. I have found above that, subject to the imposition of an appropriately worded condition, the proposal would not result in any increased risk of flooding to surrounding property or land. This constitutes a neutral effect in terms of the overall balance.
25. Weighed against this, I have found that the proposal would lead to unacceptable harm to the character and appearance of the area and to the living conditions of future occupants. These are environmental and social harms that attract substantial weight in the planning balance. Overall, I find that the limited benefits of the proposal would not outweigh the harm that I have identified in respect of two of the main issues in this case.
26. For the reasons given above I therefore conclude that the appeal should be dismissed.

J F Powis

INSPECTOR