



Appeal Decision

Site visit made on 25 June 2019

by S A Whitehead LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/X1165/D/19/3226972

39 Mead Road, Cockington with Chelston, Torquay TQ2 6TG

- 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 W Westcott against the decision of Torbay Council.
 - The application Ref P/2019/0039 dated 10 January 2019, was refused by notice dated 7 March 2019.
 - The development proposed is the provision of a pitched roof to garage, alterations to boundary fenestration to Mead Road and re-siting of entrance.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the documentation that a more accurate description of the development proposal is the description provided on the appeal form and on the Council's 'Refusal of Planning Permission' (the Decision Notice) as a 'Two storey extension to front, two storey extension to rear with Juliet balconies, raised roof ridge height and formation of garage'. The Council dealt with the application on this basis and so shall I.
3. I have used the address provided on the application form although I note it is expressed differently on the appeal form.

Main Issues

4. The main issues are:-
 - 1) the effect of the proposal on the character and appearance of the street scene of Mead Road and the surrounding area; and
 - 2) the effect of the proposed access on highway safety at the vehicular access to Mead Road.

Reasons

Character and appearance

5. The appeal property is a two storey detached house situated on Mead Road, a residential road situated on a hillside, comprising a mix of large detached houses, set back from the road with spacious front gardens bounded by low brick walls and neat hedges. Whilst parts of these front gardens are used for

parking purposes, the frontages of plots are devoid of large or prominently sited domestic outbuildings and this, together with the set back of the dwellings from the road and the absence of high fences or walls bounding front gardens, gives the area an air of spaciousness that is an intrinsic part of its character.

6. The front boundary of the appeal site is currently marked by a low brick wall approximately 0.6m in height, backed by neatly trimmed hedging that is somewhat taller. A gap in the wall, bounded by brick piers some 1.2m in height, provides vehicular access onto the site. This access, situated towards the left hand side of the property's frontage, leads, in turn, to a driveway and a flat roofed garage attached to the left hand side of the house.
7. Although the appeal proposal would involve a range of extensions to the house, I note that the reasons for refusal on the Council's Decision Notice solely focus on concerns relating to the construction of a detached pitched roof garage on the dwelling's front garden, replacing the existing attached garage that would be demolished, the provision of a new access onto the road, situated to the right hand side of the property's front boundary, and the construction of a 1.5m high wall to the remainder of the property's front boundary, provision of which would effectively close off the existing vehicular access onto the site.
8. Whilst properties in Mead Road are fronted by various types of wall, most of which are stepped to reflect the slope of the road, these are of limited height and lower, based on my observations, than the 1.5m high wall proposed in this case. In my view the introduction of a front boundary wall of this height would appear incongruous and unduly dominant, and would adversely affect the character and appearance of the site when viewed from the road, and the contribution the site makes to the wider street scene.
9. The proposed pitched roof detached garage would be sited on the uphill side of the site, close to the side boundary with No. 41. The roof of the garage would protrude above the boundary wall, and would be particularly prominent in views gained when descending the hill and from the junction of Mead Road and Roundhills Road, which lies opposite No. 43 Mead Road. Given the open character of the street scene and the absence of outbuildings situated prominently in front gardens, the introduction of the pitched roof garage would, by reason of its siting and height, detract from the character and appearance of the site and the contribution the site makes to the wider street scene. Whilst the neighbouring property, No. 41, does have a detached garage to the front, it is not prominent in views from the road, being flat roofed and of limited height. I also noted several other properties in Mead Road with attached garages that project forward of the dwellings they serve. However, in these cases, the garages do not project as far forward as the detached garage proposed in this case, and consequently, they are less prominent and retain the essentially open character of the street scene. I understand from submissions made by the appellants and from the Planning Officer Report that permission has already been given for the construction of a detached garage on the appeal site, albeit with a flat roof. However, plans of that garage are not before me for comparison and, in any event, I must consider the appeal proposal on its own merits.
10. I find that the proposal would therefore be contrary to policy DE1 of the Torbay Local Plan 2012-2030 (adopted December 2015) which seeks to ensure that

developments acknowledge local character, relate to the surrounding built environment in terms of scale, height and massing and integrate with the existing street scene.

Highway Safety

11. The proposal includes the provision of a new vehicular access, situated on the right hand side of the property's frontage. Although the appellants note that the proposed access would be wider than the existing access, the existing access is not bounded by a 1.5m high wall. I note from the Planning Officer Report that the Council's Highway Department object to the 1.5m high wall on the basis that it would obstruct visibility for drivers leaving the site and entering Mead Road by virtue of its siting and height. I note the appellants' statement that the frontage is currently bounded by a hedge stated to be 1.8m high. However, I would expect soft landscaping such as this to be trimmed as necessary to ensure appropriate visibility for the benefit of cars entering Mead Road. Whilst I accept that the existing access, flanked by 1.2m high brick piers, may not provide visibility splays to meet today's highway standards either, I do not consider that reasonable justification for new development that fails to comply with standards and policies now in force.
12. Policies TA1 and TA2 of the Torbay Local Plan 2012-2030 (adopted December 2015) are clear that development proposals should make appropriate provision to ensure an adequate level of accessibility and safety, including a satisfactory standard of visibility and should minimise conflict between road users. Given the substandard visibility splay that would result from the height of the proposed boundary wall, I find that the proposal would conflict with this policy. The development would therefore not be acceptable in terms of highway safety, having regard to the details of the proposed access onto Mead Road.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sandra Whitehead

INSPECTOR