
Appeal Decision

Site visit made on 30 July 2019

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/X1165/D/19/3228887

45 Dunstone Park Road, Blatchcombe, Paignton TQ3 3NF

- 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 & Mrs Willicott against the decision of Torbay Council.
 - The application Ref P/2019/0213, dated 19 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is a car park platform.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Paignton Neighbourhood Plan (the NP) was made on 19th June 2019, after the Council made its decision and after the appeal was lodged. It now forms part of the development plan. The parties have had the opportunity to comment on the implications of this change to their respective cases. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the living conditions of 43 and 47 Dunstone Park Road, with particular regard to outlook; and
 - b) the character and appearance of the area.

Reasons

Living conditions

4. The appeal site is located on a small cul-de-sac that branches off from the main part of Dunstone Park Road. The dwellings are considerably lower than the road and have front gardens rising up towards parking platforms and garages at road level. There are several windows in the front elevation of 43 and 47 Dunstone Park Road, the outlook from which is already somewhat constrained by the rising ground levels. The front gardens are quite small and enclosed but are of sufficient size to be useable outdoor areas.
5. The proposed parking platform and its associated boundary wall and fence would span the width of the appeal site and would be higher and significantly

closer to the host property and its neighbours than the existing platform. Because of its height and proximity the proposed platform would be a dominant and imposing structure when seen from the front windows and front gardens of Nos 43 and 47. It would have a significant and adverse overbearing impact on the outlook from those properties, to the detriment of the living conditions of the occupiers. Consequently, I conclude that the proposal would conflict with policy DE3 of the Torbay Local Plan 2012 to 2030 (adopted 2015) (the LP) which requires development to be designed so as not to unduly impact upon the amenity of neighbouring uses.

6. The appellants suggest that the living accommodation of the dwellings faces south, with the northern side being 'service areas of the dwellings kitchens, bathrooms etc.'. I have not been provided with internal layouts of the dwellings and as such cannot give any weight to this contention. In any case, having an uninterrupted outlook from other parts of the properties does not justify the adverse impact on the outlook from the front windows and gardens that I have identified.

Character and appearance

7. While there is no strong pattern of development in the wider area around the appeal site, this branch of Dunstone Park Road is characterised by parking platforms set between relatively small garages. Each platform has a low boundary treatment and allows for views out over the roofs of the dwellings below, to the sea and town. The sizeable gaps formed by the parking platforms create a relatively open character on this side of the road, contrasting with the other side where the rising land, buildings and vegetation give a stronger sense of enclosure.
8. The proposed platform would be substantially larger than the existing parking area and would project considerably further into the site than others in the vicinity. The scale and extent of the proposed platform would be clearly visible from the road. The screen wall and fence would be significantly higher than the existing boundary fence and would close off most of the gap between the garages of Nos 43 and 47, resulting in a significant loss of openness.
9. As a result of its scale and boundary treatment, the proposed development would be a dominant feature in the street scene and would harm the character and appearance of the area. As such I conclude that it would conflict with policy DE1 of the LP, which seeks to achieve good design, and with the policies of the National Planning Policy Framework which seek to achieve well-designed places. It would also conflict with policy PNP1(c) of the NP which, amongst other things, requires development to strengthen local identity by being in keeping with the surroundings, including respecting scale, design and height.

Other matters

10. The appellants set out that one of them has a health condition which limits their mobility and that they wish to provide more parking for them as occupiers, for carers and visitors as well as for their hobby of maintaining/restoring old cars. The appellants suggest that the proposal would also provide a turning area to be able to negotiate this branch of the road more easily. At the time of my site visit I saw that the existing parking platform was occupied by two cars, reversed in, and a skip. There is no evidence before me to demonstrate that the current parking situation creates any significant

difficulties for the occupants or their visitors. Neither has it been demonstrated that there is inadequate space for turning or any highway safety risk from the existing parking layout. Therefore while the proposal would result in private benefits to the appellants, these do not outweigh the harm that I have identified.

11. I recognise that the height of the proposed boundary wall and fence was increased during the application in response to the Council's concerns about the privacy of neighbouring properties. Nevertheless, the resulting structure would harm the outlook of those neighbours and as such is unacceptable.
12. I also note the support for the proposal from one of the neighbouring occupiers who considers that it would have a positive impact and provide an imaginative solution for more parking. For the reasons given above I have found that the proposal would result in harm and that this would not be justified by the provision of more parking.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

L McKay

INSPECTOR