



Appeal Decision

Site visit made on 8 November 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2019

Appeal Ref: APP/X1165/W/19/3233829

**Land on the corner of Edginswell Close and Edginswell Lane, Torquay
TQ2 7JA**

- 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 Kevin Sommers against the decision of Torbay Council.
 - The application Ref P/2019/0338, dated 29 March 2019, was refused by notice dated 21 June 2019.
 - The development proposed is formation of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interest of precision, I have used the description of development and site address from the Council's decision notice within the banner heading above.
3. The road to the west of the appeal site is described as both Collaton Road and Edginswell Lane in the appeal documentation. I have used the latter road name.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. The appeal site is a parcel of land, which is situated at the corner of Edginswell Close and Edginswell Lane. The topography of the site rises upwards from Edginswell Close to the rear boundary. To the rear of the appeal site there is an outbuilding, which is associated with the neighbouring residential property to the east of the appeal site, known as Tamora.
6. It is proposed to erect a two-bedroom dwelling on the site. The dwelling would be single storey and have a 'T-shaped' layout with a contemporary external finish. To the front of the dwelling there would be an off-street parking area.
7. The surrounding area has an urban character with a mix of residential and commercial uses present within the locality. The residential properties along Edginswell Close are predominately detached dwellings, situated within large plots, which are set back from the highway behind well-proportioned front gardens in a linear pattern of development along the southern side of the road.

- The properties are well-spaced apart and follow a clear building line. These factors give the area a spacious character, which contributes positively to the local distinctiveness of the area.
8. The reason for refusal on the Council's decision notice refers to Policy DE3 of the Torbay Local Plan – A Plan for Torbay: 2012-2030 (the 'LP'). However, this policy relates to the residential amenity of future and neighbouring occupiers and the impact of development upon surrounding land uses. As such, I consider that this policy is not relevant to the main issue and I have dealt with the appeal on this basis.
 9. The proposed dwelling would protrude significantly beyond the established building line of the neighbouring properties to the east and it would occupy a comparatively smaller plot than the neighbouring properties on Edginswell Close. Due to the site's corner plot location and the close proximity of the rearward section of the proposed dwelling to the rear boundary of the appeal site, with the outbuilding that is associated with Tamora beyond, the lack of plot depth would be readily apparent from the street, and, in this context, the proposal would have a cramped appearance.
 10. Given the above, the proposed dwelling would not be reflective of the prevailing pattern of development on Edginswell Close, whereby properties follow an established building line and are set back from the highway within large plots. As such, the proposal would be an incongruous form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.
 11. The appellant contends that due to the extensive amount of mature planting and trees within the street, that each dwelling on Edginswell Close is 'perceived individually' and, thus, there is not a 'conventional streetscene'. Whilst I acknowledge that the properties on Edginswell Close vary in terms of design and appearance, they follow a clear pattern of development. Therefore, as one travels along Edginswell Close, the properties are experienced collectively as part of a residential street, as opposed to unrelated individual properties.
 12. The Council have raised concerns that the single storey form of the proposal, with its gable ended side elevations, would be at odds with the roofscape of the existing dwellings on Edginswell Close. However, given the variety of property types present within the immediate area, I find that the single storey form of the proposed dwelling would be in keeping with the character and appearance of the area. Despite this, the harm identified above is sufficient to justify dismissing the appeal.
 13. Whilst I have found no harm in respect of the single storey form of the proposed dwelling, when the proposal is considered as a whole, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policy DE1 of the LP and Policy TH8 of the Torquay Neighbourhood Plan, insofar that they collectively require new development to be of a good quality design which acknowledges local character and has a clear urban structure and grain that integrates with the surrounding context.
 14. Given the above, the proposal would be inconsistent with Paragraph 127(c) of the National Planning Policy Framework (the 'Framework'), which requires development to be sympathetic to the local character.

Planning Balance

15. The appellant has drawn my attention to the Torbay Five Year Housing Land Supply 2019: Draft Statement for Consultation (July 2019). The document assesses the Council's five-year land supply position as of April 2019 and concludes that the Council are unable to demonstrate a five-year supply of deliverable housing sites as required by the Framework. Whilst I do not dispute the findings of the Council's report, as it is a draft assessment, which was issued as part of a public consultation, it is unclear as to whether the findings are representative of the Council's current five-year land supply position.
16. The provision of one dwelling, which the main parties agree would exceed the minimum space standard for a single storey, two-bedroom dwelling, as set out within the Government's Technical Housing Standards - Nationally Described Space Standard (March 2015) and would be located near to local services and public transport links, would make a positive contribution to the Council's housing land supply, which weighs in favour of the proposal, albeit that the contribution would be limited due to the quantum of development proposed. There would also be some limited benefits to the construction industry and from the spend of future occupiers. In addition, biodiversity enhancements could be incorporated into the development, which would be a positive benefit.
17. Even if I were to accept the appellant's argument that the Council is unable to demonstrate a five-year supply of deliverable housing sites and the shortage is along the lines identified by the Council's report; the significant harm to the character and appearance of the area, which would be an adverse impact of the development at odds with the development plan and the Framework, would significantly and demonstrably outweigh its limited benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, this is not a point that suggests the appeal should be determined other than in accordance with the development plan.

Other Matters

18. The appellant states that the proposal would improve the level of natural surveillance over Edginswell Close and Edginswell Lane. Whilst this may be the case, such benefits would not be significant enough to alter or outweigh my conclusions on the main issue.
19. The appellant argues that the current proposal would be an improvement when compared to a previously withdrawn application¹. Whilst this may or may not be the case, I am not aware of the particular circumstances in relation to that application, and, in any event, I have determined this appeal on its own individual planning merits

Conclusion

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

Christopher Miell
INSPECTOR

¹ Council Ref: P/2018/0831