



Appeal Decision

Site visit made on 12 November 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2019

Appeal Ref: APP/X1165/W/19/3235457

43 Halsteads Road, Watcombe, Torquay, TQ2 8EZ

- 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 Ms S Smith against the decision of Torbay Council.
 - The application Ref: P/2018/0892 dated 13 June 2018, was refused by notice dated 21 June 2019.
 - The development proposed is new dwelling with access.
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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 surrounding area, including its effect on a street tree;
 - the effect of the proposed development on the living conditions of occupiers of Numbers 43 and 45a Halsteads Road, with particular regard to outlook;
 - whether the proposed development would provide adequate drainage; and
 - whether the proposal would provide adequate parking.

Reasons

Character and appearance

3. Halsteads Road is a residential street, characterised by two-storey residential development arranged in short terraces and pairs of semi-detached two-storey houses set back from the road behind front gardens and driveways. The terraces, with the exception of that formed by Nos. 45a, 45 and 47 which comprises an extension to a pair of semi-detached houses, have a regular appearance incorporating forward projecting houses at each end. These are located as distinctive blocks along the street at irregular angles to the highway. There are a number of mature and younger trees along Halsteads Road which, together with a grass verge and footpath separating the front boundary of properties from the carriageway, contribute to the verdant and open character of the street scene.

4. The appeal site forms part of the side garden to No. 43. The proposed development would be to construct a two-storey detached house between Nos. 43 and 45a with off-street parking to the front.
5. There are no other detached properties along this part of Halsteads Road, consequently, the proposed house would be at odds with the prevailing pattern and style of development which although not entirely uniform has a consistent appearance. A detached house, even though of a similar scale, height and footprint, in this location would disrupt the rhythm of development and would appear out of keeping and incongruous within the street scene.
6. The gap between Nos. 43 and 45a, which are both end of terrace properties, is wider than the gap between other properties along the road. The house would largely fill this space, with a narrow separation from the site boundaries. Whilst the existing gap is uncharacteristically wide, the proposed house would almost entirely close this up. This would result in a less open pattern of development and would erode the spacious character of the area.
7. A mature hornbeam is positioned outside No. 43 which is a large and prominent tree within the street scene that makes a positive contribution to the visual appearance of the area. This tree is growing in the sloping grass verge on the south side of Halsteads Road. In order to provide off-street car parking to the front of the proposed house, a vehicle crossover would be created which would involve the excavation of some of that verge.
8. The submitted Arboricultural Impact Assessment Report (AIAR) sets out that the excavation of the verge would be highly likely to entail the loss of rooting material within the canopy spread of the tree. This would not entail the loss of structural roots but would be very likely to have a negative impact on the tree's health over the long-term. The AIAR recommends the removal of the tree and its replacement with a silver lime tree. However, the appellant has confirmed that she wishes to retain the tree but considers that, due to the construction methods, the proposal would not give rise to any long-term harm to the retention of the hornbeam.
9. Based on the submitted AIAR and the Council's Tree Officer's objection, I have no evidence that the proposed excavation, even if carried out in accordance with an Arboricultural Method Statement, would not result in long-term harm to the tree. This would lead to the loss of the tree which would be harmful to the character and appearance of the street scene.
10. I conclude that the proposed development would significantly harm the character and appearance of the surrounding area including its effect on a street tree. It would therefore conflict with Policies DE1 and C4 of the Torbay Local Plan 2016 (TLP) and Policy TH8 of the Torquay Neighbourhood Plan 2019 (TNP). These policies, together and amongst other things, seek high quality development that both respects the local character of the built environment and integrates with the surrounding context and resist development that harms trees wherever possible. It would also conflict with the objectives of the National Planning Policy Framework in respect of conserving and enhancing the natural environment.

Drainage

11. Policy ER1 of the TLP sets out the Council's approach to flood risk. It states that Torbay has been designated as a Critical Drainage Area where all developments require a basic Flood Risk Assessment (FRA). With catchments typically small, steep and in the most part highly developed in nature, the FRA would help to ensure that development provides adequate drainage and does not lead to flooding downstream.
12. The appellant has undertaken a basic FRA which states that surface water will be disposed of at a controlled rate into a combined sewer to be approved by South West Water. The FRA requires an explanation of why infiltration methods have not been chosen.
13. The appellant states that insufficient undeveloped land would be retained to provide for a fully functional soakaway system to serve the development that would not give rise to potential flooding issues to adjoining properties or discharge surface water directly into the street. In addition, she states that there is not an existing watercourse in the immediate vicinity of the appeal site that surface water from the development could discharge into.
14. However, I have not been provided with any firm evidence in support of this statement. In the absence of this, I must therefore conclude that the proposed development would not provide adequate drainage. It would therefore conflict with Policy ER1 of the TLP which, amongst other things, seeks to ensure that development does not contribute to downstream flooding.

Living conditions

15. The proposed house would be close to the boundary with No. 43 and at an angle to the side elevation of this property. No. 43 has a single-storey side addition incorporating a semi-glazed side door and window which face towards a high fence and 3 upper floor windows in the side elevation which appeared to be obscurely glazed. Due to the angle of the proposed house, it would be set away from the areas of glazing in the side elevation of No. 43 and would not have an enclosing effect. Consequently, it would not appear overbearing or unduly impact on the outlook from these windows or the side door.
16. The house would be set at a higher level and very close to the boundary with No. 45a. It would also project a little further beyond the rear building line of this house. However, it would be adjacent to the pitched roof of the single-storey garage at the side of No. 45a. This garage would also separate the proposed house from the windows in the rear elevation of No. 45a. Consequently, due to its relatively short rear projection and its distance from the rear facing windows, it would not have an enclosing or overbearing impact on the living conditions of occupiers of this house. It would not therefore harm the outlook for these occupiers.
17. I conclude that the proposed development would not harm the living conditions of occupiers of Numbers 43 and 45a Halsteads Road, with particular regard to outlook. It would therefore comply with Policy DE3 of the TLP which requires development to be designed so as not to unduly impact upon the existing living conditions of neighbouring occupiers.

Parking provision

18. The proposed development would provide two car parking spaces to the front of the property. Notwithstanding my findings above in respect of the street tree, the parking provision would meet the required number of car parking spaces for a new dwelling as set out in Appendix F of the TLP.
19. The plans do not include provision of cycle storage. However, it appears there would be sufficient space for this within the site. If the scheme were to be allowed the provision of cycle parking could be secured through the imposition of a condition.
20. I conclude that the proposed development would make adequate provision for parking on site. It would therefore accord with Policy TA3 of the TLP and Policy TH9 of the TNP. These policies together require housing development to provide adequate parking facilities in line with the guideline parking requirements set out in Appendix F of the TLP.

Conclusion

21. I have found that the appeal scheme would not cause harm to the living conditions of nearby residential occupiers and would provide adequate car parking. Whilst these factors weigh in favour of the proposal, they do not outweigh the harm I have found to the character and appearance of the area and the inadequate drainage provision.
22. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

Inspector