

Appeal Decision

Site visit made on 13 March 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/X1165/W/19/3243249

22 Upton Hill, Tormohun, Torquay TQ1 3ER

- 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 Alan Hardman against the decision of Torbay Council.
 - The application Ref P/2017/1105, dated 30 October 2017, was refused by notice dated 21 June 2019.
 - The development proposed is described as retention of use of former store/garage as a dwelling with parking and new entrance gates.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form indicates that the development has already started but has not been completed. I observed that this was the case at the time of my site visit, including with respect to the building having been converted to a residential use. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the proposed entrance gates;
 - Whether the proposed development would provide sufficient off-street car parking and storage for refuse and cycles; and
 - Whether the living conditions of occupiers of the proposed development would be acceptable, with particular regard to internal and external living space.

Reasons

Character and appearance

4. The appeal site is situated on a residential street which is characterised by relatively open front gardens containing soft landscaping and set behind low boundary walls. With the locality featuring limited boundary treatment of any notable height facing the public realm, the surrounding area has a relatively spacious appearance.

5. With a height of approximately 2 metres and extending across the site's frontage, the proposed timber entrance gates would dominate the front of the site and the locality. Situated adjacent to the footway and facing the highway, they would be located in a prominent position and present a blank façade to the public realm. Accordingly, the gates would appear as an incongruous feature that would not reflect the generally open character and spacious appearance of the surrounding area.
6. In coming to this view, I have taken account of the privacy and security that the proposed gates would provide. It has been put to me that the site was also originally secured by an unsightly metal roller shutter to the street and that the proposed gates would greatly improve the appearance of the site and streetscene. Be that as it may, I observed on my site visit that there was no entrance gate or boundary treatment running along the front of the plot and, consequently, the site presents a generally open aspect to the public realm which reflects its surroundings.
7. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area, with particular regard to the proposed entrance gates. I therefore find that it conflicts with Policy DE1 of the Torbay Local Plan 2012-2030 (TLP). Amongst other aspects, this seeks development which is well-designed and integrates with the streetscene and surrounding context.

Parking and storage

8. Appendix F of the TLP sets out an estimated requirement/guide of two off-street car parking spaces for new dwellings. To ensure that off-street parking does not cause an obstruction and harm highway safety, it requires parking spaces to be a minimum of 5.5 metres long when they abut the highway.
9. One parking space is proposed in the yard area at the front of the site via the existing access from the highway. This provision would be below that required by the TLP. Furthermore, the yard area, at approximately 5 metres long and abutting the highway, would also not meet the minimum length required by the TLP for a parking space. This indicates that a vehicle parked in the yard area would overhang the footway and obstruct the highway. On this basis, the site cannot accommodate any off-street parking.
10. It has been put to me that on-street visitor parking is available within the locality and other nearby dwellings do not have off-street parking. Be that as it may, I have little substantive evidence that indicates that a deviation from the Council's car parking requirements for new dwellings, as set out in Appendix F, would be justified in this case. Accordingly, I conclude that the development, which would change the use of the site from a store/garage to a dwelling, would provide insufficient off-street car parking provision.
11. As the yard would be inadequate to accommodate the parking of a vehicle, it seems to me that there would be sufficient space in this area for the storage of refuse and cycles. This would accord with TLP Policy DE3 in relation to it seeking satisfactory provision for bicycles and storage of containers for waste and recycling. However, the lack of off-street car parking would be contrary to TLP Policies TA3 and DE3 in respect of their requirements that development provide satisfactory off-street car parking and meet the guideline requirements of Appendix F.

Living conditions

12. Table 23 of TLP Policy DE3 sets out minimum dwelling space standards, reflecting the government's nationally described space standard. The minimum required for a two-bedroom four-person dwelling is 79 square metres.
13. The available evidence indicates that the gross internal area of the building's two floors, at approximately 84 square metres, would exceed this. However, the height of the existing building and its relatively shallow pitched roof and low ridge height, as shown on the submitted plans, indicates that there would be a limited floor-to-ceiling height on the first-floor. My observations on my site visit confirmed this, and when standing on the first-floor I was struck by how low the ceiling was and how significantly the headroom decreased either side of the roof apex.
14. The limited headroom on the first-floor means that significant parts of both proposed bedrooms would not provide useable living space. Consequently, the extent of actual useable floorspace is also significantly less than the building's overall gross internal area. Accordingly, the internal useable floorspace within the building would be inadequate and would not provide an acceptable internal living environment.
15. Policy DE3 requires the provision of useable amenity space, including gardens and outdoor amenity areas. The space to the side of the site is limited and would not provide acceptable amenity space on its own. However, the yard area at the front of the building could be used as an outdoor amenity area given it would be insufficient for a vehicle to park in it.
16. I have little substantive evidence as to the exact size of the yard area and whether it would meet the amount of outside space required by the Torquay Neighbourhood Plan, as referenced in the Council's Officer Report. However, it seems to me that the overall extent of outside space on the site would be sufficient, even when accounting for refuse and cycle storage, and an acceptable amount of useable amenity space could therefore be provided.
17. For the above reasons, although there would be sufficient outside space, I conclude that the living conditions of occupiers of the proposed development would be unacceptable with regard to internal living space. I therefore find that it conflicts with TLP Policies H1 and DE3. Amongst other aspects, these set out that development should create high quality living environments and be designed to provide a good level of amenity for future residents, including through the provision of adequate floorspace to achieve a pleasant and healthy living environment.

Other matters

18. I recognise that the appellant converted the building for his own occupation at the time when he needed accommodation, and this avoided him requiring assistance from the public sector. There is a need for accommodation in general, including smaller affordable properties, in the locality which, it has been put to me, is a holiday resort with inflated property prices. The development would also provide a dwelling on a brownfield site in an accessible location in terms of access to local services, facilities and public transport, which the National Planning Policy Framework supports. Furthermore, the Council do not allege that the development would harm the privacy of adjoining

occupiers nor that the alterations to the building have harmed the character and appearance of the surrounding area or any designated heritage assets.

19. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

20. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR