
Appeal Decision

Site visit made on 22 June 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/X1165/W/20/3246565

Flat 2, 6 Courtland Road, Paignton, Devon TQ3 1PU

- 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 G Fleming against the decision of Torbay Council.
 - The application Ref P/2019/1079, dated 14 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is formation of opening to provide off road parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - a) Whether the proposal preserves or enhances the character and appearance of the Polsham Conservation Area, and
 - b) Whether the proposed parking layout is appropriately designed.

Reasons

Character and appearance

3. The appeal site is located in the Polsham Conservation Area (PCA) which is divided into three character areas in the Polsham Conservation Area Appraisal (PCAA). The appeal site is within the Polsham Park character area. With reference to the PCAA and my observations on site, the significance of this area is derived from its uniform character as a result of its single development phase at the end of the 19th century. It features a number of larger houses with rich ornamentation, enclosed in a consistent manner behind masonry walls.
4. The appeal property is one of these large houses; a red sandstone building, prominently positioned at a road junction and now divided into flats. The north boundary of the plot is defined by a matching red stone wall. Where it fronts the building it has a formal appearance, with a pair of piers framing the original entrance with sections of brick either side over a stone base. Further west, in the area of the appeal proposal, the wall has a simpler appearance, constructed of the same local red stone capped with a canted buff brick.
5. This wall is marked as a 'prominent wall' on map five of the PCAA. Elsewhere the PCAA mentions well preserved boundary walls and identifies the loss of

frontage and boundary features as a significant threat to the area's character. Evidence before me shows that a length of original wall to the west of the appeal site was removed in association with the redevelopment of the adjacent site. The rebuilt section does not match the form of the former historic wall. At my visit I saw evidence of similar changes in other areas of the PCA. Such losses of original boundaries, whether for the purpose of replacement or to form vehicular accesses, have caused harm to the special character and appearance of the area.

6. Breaching the wall to form the opening would disrupt this remaining section of original wall, which would be harmful to the character and appearance of the streetscene and would further erode this special characteristic of the wider PCA. Additionally, the character of the host building as a former single dwelling would be further eroded by multiple vehicular accesses. I note the appellants commitment to repair the remaining sections of wall were the appeal to succeed. Whilst this would be welcome, such work would be in the realm of routine maintenance and would not outweigh the harm arising from the permanent change proposed. In any case, beyond any making good to the sections of wall immediately to the sides of the newly formed opening, such work would be unrelated to the appeal proposal and would not therefore be something that could be secured through a planning condition.
7. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The proposed opening would have a negative effect on the significance of the PCA, resulting in harm. In terms of the National Planning Policy Framework the harm would be less than substantial, however permission should only be allowed if clear public benefits outweigh against this harm. The appellant refers to vehicle movements that are often incurred whilst trying to find a parking space near to the appeal site, which increases vehicle emissions. I accept that the certainty of a space at the appeal site would reduce these additional journeys. Such journeys are likely however to be very short, and I am not satisfied that this would be a public benefit that would be of sufficient weight to outweigh the level of harm identified.
8. Therefore, the proposal would fail to preserve or enhance the character or appearance of the PCA, contrary to Policies DE1 and SS10 of the Torbay Local Plan 2012 to 2030 adopted 2015 (LP), which seek to ensure that development proposals are well designed and sustain or enhance features which contribute to Torbay's heritage.

Parking layout

9. Drawing 019-047-1 shows that the two proposed spaces would be narrow where they would abut Courtland Road. However, they would widen out as they extend into the plot, and they would be of a length that would exceed the requirement set out in Appendix F of the LP. In any case, the provision of two parking spaces appears to exceed the requirement set out in Appendix F, which requires the provision of a single parking space for a flat. The space proposed would appear to be adequate for a single parking space.
10. Therefore, the proposed parking layout is appropriately designed in accordance with Policies TA2 and TA3 of the LP, which seek to ensure that development proposals make appropriate provision for access and parking.

Other Matters

11. In support of the proposal the appellant suggests that parking near the site is very difficult, especially in the summer, and that almost all dwellings in the area have access to private parking. It is also suggested that whilst one public space would be lost two private spaces would be gained were the appeal to succeed. However, the site is close to a range of services and facilities that can be accessed on foot, to the extent that a private car would not be essential to meet day to day needs. Therefore, I am not satisfied that these matters are of sufficient weight to outweigh my findings on the first main issue.

Conclusion

12. Although I have found the parking layout to be acceptable, this is a neutral matter and does not therefore outweigh the harm I have found in relation to the character and appearance of the PCA. As such, the appeal should be dismissed.

Andrew Tucker

INSPECTOR