
Appeal Decision

Site visit made on 8 July 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/X1165/D/20/3244858

47 Maidenway Road, Paignton TQ3 2QB

- 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 Kyra Chapple against the decision of Torbay Council.
 - The application Ref P/2019/0922, dated 24 August 2019, was refused by notice dated 12 November 2019.
 - The development proposed is the installation of off-street parking in front garden.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed parking arrangement on the safety of vehicular and pedestrian traffic on Maidenway Road.

Reasons

3. The appeal site comprises a front garden amenity area which separates the host dwelling from a pedestrian footpath on the eastern side of Maidenway Road. The proposal seeks to replace a significant portion of the front garden amenity area with off street parking space.
4. Policy TA3 of the Torbay Local Plan 2012-2030 (the Local Plan) concerns parking requirements and confirms that all development proposals are expected to meet the standards as set out in Appendix F of the Local Plan. Appendix F of the Local Plan sets out that off-street parking spaces should be 4.8 metres or longer, or a minimum of 5.5 metres long when they abut the highway. This is in order to ensure that off-street parking does not cause an obstruction and harm highway safety.
5. The plans indicate that, at a proposed depth of 4.5 metres from the pedestrian footway, the proposed parking area would not meet the requirement of Appendix F of the Local Plan and would fall significantly short of the requirement in relation to off street parking space which is considered to abut the highway.
6. By reason of the proposed depth of the parking space from the adjacent pedestrian footway and highway and due to the narrow nature of the pedestrian footpath, it is likely that cars using the proposed space would overhang onto the pedestrian footpath and, in the case of vans or other larger

cars and vehicles, would be likely to overhang and obstruct a portion of the highway.

7. Consequently, vehicles parked within the proposed space would cause an obstruction to the footway, with pedestrians having to move around the obstruction by walking on the highway. The proposal would therefore increase the risk of conflict between vehicles and between vehicles and pedestrians and would, in my view, be detrimental to pedestrian and highway safety within Maidenway Road.
8. For the above reasons, the appeal scheme would conflict with Policy TA2 and TA3 of the Local Plan which together and amongst other things, seek to ensure that development provides safe standards of parking which is not detrimental to highway safety. For the same reasons, the appeal scheme would also fail to accord with the requirements of the National Planning Policy Framework with regards to its aims of protecting highway safety.
9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. For the above reasons, the appeal scheme conflicts with the development plan. However, it has been put to me by the Appellant that the appeal scheme would replicate the position with regards to its neighbours, where similar sized parking spaces adjacent to the pedestrian footway have been permitted.
10. In this regard, it was noted on my site visit that there were a number of such parking arrangements within Maidenway Road. Whilst I have not been provided with any specific measurements in relation to those other parking arrangements, it appeared that some would be of a similar dimension to that of the appeal proposal. However, as observed on my site visit, where such arrangements had been previously constructed, vehicles overhung the adjacent footway and resulted in pedestrians having to walk on the highway in order to move around the obstructions. Where vans and larger cars had been parked in such areas, they overhung the footway and a portion of the highway.
11. As such, those similar nearby examples of parking to that proposed under the appeal scheme, served to confirm that such arrangements would result in vehicles obstructing the pedestrian footway and the highway to the detriment of highway safety. Whilst I sympathise with the Appellant's position, the existence of nearby similar arrangements which are detrimental to highway safety cannot be used to justify the further harm to highway safety that would arise from the proposal.

Conclusion

12. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan and the National Planning Policy Framework when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR