
Appeal Decision

Site visit made on 21 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/X1165/D/20/3248796

9 Orkney Close, Torquay TQ2 7DS

- 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 Christopher Graham against the decision of Torbay Council.
 - The application Ref P/2019/1037, dated 28 September 2019, was refused by notice dated 3 March 2020.
 - The development proposed is the formation of 2 storey extension to west elevation and alterations to conservatory.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of consistency, I have used the address and description of development from the Appellant's appeal form and from the decision notice in the banner at the top of this decision letter.

Main Issue

3. The main issue is the effect of the proposed parking arrangements on highway safety within Orkney Close.

Reasons

4. The appeal building is a well proportioned detached dwelling located within a cul-de-sac. The dwellings within the cul-de-sac comprise a variety of styles and designs, with those towards the end of the cul-de-sac being set back from the highway behind modestly sized grassed front garden amenity areas and separated from the highway by a service strip.
5. At the time of my site visit, which was during the late morning, there were clear indications of parking stress within Orkney Close, with vehicles being parked on both sides of the highway which, in some cases, obstructed the service strip located between the dwellings and the highway. The width of the highway was significantly narrowed by the presence of these vehicles and I observed that cars and vans had some difficulty in manoeuvring within the cul-de-sac by reason of this narrowing.
6. The appeal scheme seeks to extend the existing dwelling and provide parking in the form of a new driveway to the front and by incorporating a new garage space within the design of the proposal.

7. Policy DE3 of the Torbay Local Plan 2012-2030¹ (the Local Plan) seeks to ensure that development provides a good level of amenity for occupants and that proposals do not unduly impact on the amenity of nearby residents. This policy confirms that development should provide satisfactory provision for off road parking. Policy TA2 of the Local Plan concerns development access and confirms, amongst other things, that development will be supported where vehicular and pedestrian access would be to a safe standard.
8. Policy TA3 of the Local Plan refers specifically to parking requirements. This policy confirms that new development must make appropriate provision for parking spaces and that residential extensions must not result in the net loss of parking provision to below the standards as set out in Appendix F of the Local Plan, which expects two car parking spaces to be provided per dwelling unit. In relation to extensions, Appendix F of the Local Plan further confirms that one additional parking space would be required per two additional bedrooms and that garages are only considered parking spaces where they meet the minimum standards of internal dimensions of 6 metres by 3.3 metres.
9. The Council has put it to me that given the scale of the proposed extension, the minimum parking standards as set out in Appendix F of the Local Plan should be maintained and, in relation to the appeal scheme, therefore a minimum of two spaces should be required. In this regard, the appeal scheme looks to provide a garage space, with the grassed area to the front of the appeal building being given over to provide an additional parking space adjacent to the highway.
10. Whilst I acknowledge the submissions of the Appellant with regards to the current position where there is only one parking space at the appeal property, I would concur with the Council's view that, by reason of the scale of the proposal and the resulting number of bedrooms, and given that Orkney Close would currently appear to suffer from high levels of parking stress, the minimum standard of two parking spaces should be maintained at the appeal site.
11. In terms of width and length, the internal dimensions of the proposed garage would be significantly below that required by Appendix F of the Local Plan as described above. Furthermore, the proposed parking space to the front of the appeal building would be below the required standard in terms of its dimensions, with vehicles parked within that space likely to overhang the adjacent service strip and into the highway. Consequently, the appeal scheme would conflict with the above policies of the development plan with regards to the adequate provision of parking at the appeal site.
12. Whilst I acknowledge that the extent to which vehicles using the proposed driveway space to the front of the appeal building would overhang into the highway would not be significant, given that the width of the cul-de-sac is narrow at this point, and by reason of the arrangement of dwellings at the end of the cul-de-sac, parking which overhangs the highway would likely interrupt the free flow of traffic and would result in difficulties for occupants of the dwellings at the end of the cul-de-sac when manoeuvring into and out of their respective driveways and garages. The use of the proposed driveway would therefore likely increase the risk of conflict between vehicles within Orkney Close.

¹ Adopted December 2015

13. Furthermore, whilst I acknowledge that that there are no pedestrian footways on the appeal building's side of Orkney Close, it is likely that vehicles parked on the proposed driveway would overhang the service strip adjacent to the highway which should be unobstructed so as to provide a refuge for pedestrians within Orkney Close from passing vehicles. Consequently, the use of the proposed driveway would therefore likely increase the risk of conflict between vehicles and pedestrians within Orkney Close.
14. In light of the above, I conclude that the appeal scheme would conflict with the development plan with regards to the adequacy of parking provision at the site. Given the lack of adequate parking provision, the proposal would likely result in additional vehicles being parked on the highway thereby reducing the width of the highway and increasing the likelihood of conflict between vehicles and between vehicles and pedestrians. The proposal would therefore be detrimental to highway safety and would, in my view, add to the potential for conflict within the community that resides within Orkney Close.
15. For the above reasons, the appeal scheme would conflict with Policies DE3, TA2 and TA3 of the Local Plan and would be contrary to the aims and objectives of Policy TH9 of the Torquay Neighbourhood Plan². Together, and amongst other things, these policies require an appropriate level of car parking spaces in all new development and that parking arrangements will not add to potential conflict within the community.
16. Whilst I acknowledge the Appellant's desire to provide addition accommodation for his family by extending the appeal building, such personal circumstances are not sufficient to outweigh the harm to highway safety identified above.
17. Further to the above, it is with regret that I note the Appellant's frustrations with the Council's communication and the way in which it handled the application. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.

Conclusion

18. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

² Adopted June 2019