
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/20/3248586

62 Brunel Road, Paignton TQ4 6HW

- 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 K Lund against the decision of Torbay Council.
 - The application Ref P/2019/1202, dated 11 November 2019, was refused by notice dated 8 January 2020.
 - The development proposed is the conversion of parking bay to garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of parking bay to garage at 62 Brunel Road, Paignton, TQ4 6HW, in accordance with the terms of the application, Ref: P/2019/1202, dated 11 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby approved shall in all respects accord strictly with drawing numbers: Flood Risk Assessment P2019-1202-1, Existing Various 4038-P-1.A and Proposed Various 4038-P-2 received by the Local Planning Authority on 11 November 2019 and Site Location Plan 4038-SPa received by the Local Planning Authority on 22 November 2019.
 - 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors.

Procedural Matters

2. In the interests of accuracy and consistency, I have used the address for the proposed development as provided on the appeal form and on the Council's decision notice.

Main Issue

3. The main issue is whether the proposed development provides for adequate on-site vehicle parking provision.

Reasons

4. The appeal site is located within a residential area where dwellings vary in terms of their design and scale. A vehicle parking bay has been previously constructed to the front of the appeal dwelling and which is accessed directly from the highway. At the time of my site visit, I observed that parking restrictions were in place for parts of Brunel Road, but that parking space on those unrestricted parts of the highway appeared to be in high demand.
5. Policy TA2 of the Torbay Local Plan 2012-2030¹ (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 and where the proposal does not impact on the wider road network with regards to congestion.
6. Policy TA3 of the Local Plan refers specifically to parking requirements. This policy confirms that development must make appropriate provision for parking spaces and 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 a minimum of two car parking spaces to be provided per dwelling unit. Appendix F of the Local Plan further confirms that parking within the curtilage will only include garages which are large enough to both accommodate cars and make provision for general storage and, in these instances, the Council will require their retention for parking by application of a planning condition.
7. In addition to the parking bay described above, the appeal property has access to an existing garage as well as access to off-street parking spaces to the front of the existing garage. It would appear from observations made on my site visit that the space to the front of the existing garage would be sufficient for off-street parking for two cars in a tandem arrangement.
8. The proposal seeks to replace the existing parking bay with a garage which, the evidence before me indicates, would not accord with the minimum dimensions for new garages as provided for within Appendix F of the Local Plan. In this regard, Appendix F of the Local Plan indicates that the minimum requirements for a garage should be 6 metres by 3.3 metres, with the aim that such development provide sufficient internal circulation space.
9. The Council is concerned that, given the dimensions of the proposed garage would be below the minimum as required by Appendix F of the Local Plan, it would not be used for the purpose of parking vehicles, thereby reducing the provision of off-street parking at the site and increasing the pressure on the local road network with regards to parking.
10. In this regard, it is noted that by placing minimum requirements for the dimensions of new garages, Appendix F of the Local Plan seeks to ensure that sufficient internal circulation space is provided. In this instance, whilst it is acknowledged that the depth of the proposed garage would be less than is required by the Local Plan, the proposal would be significantly larger in terms of width than would be required by Appendix F of the Local Plan. This additional width would, in my view and in these specific circumstances, allow for sufficient circulation space enough for occupants to safely enter and exit vehicles within the proposed garage.

¹ Adopted December 2015

11. Furthermore, the proposed scheme would retain the existing garage and off-street parking and would appear to maintain the depth of the existing parking bay. There is no evidence before me which indicates that the parking bay is insufficient in terms of the space provided for vehicles and, in combination with the width of the proposed garage, it cannot be said that the appeal scheme would not be practical or usable as off-street parking. Given that the proposed garage would replicate the dimensions of the existing parking bay, the appeal scheme would not result in the loss of off-street parking.
12. The proposed garage would provide sufficient space for the parking of vehicles and for the covered storage of bins at the appeal property. Furthermore, given that the existing garage is extremely narrow in width and positioned on a steep slope at the appeal site, the proposal would provide a dry and safer solution for occupants with restricted mobility. Consequently, the appeal proposal would provide safe and suitable parking for all future occupants of the appeal property.
13. For the above reasons, the proposal would not result in a reduction of usable parking spaces at the appeal property to a level below that required by the development plan. The proposed development would not result in increased pressure for parking within Brunel Road and would therefore comply with the aims and objectives of Policies TA2 and TA3 of the Local Plan.

Conditions

14. The Council has, within the appeal questionnaire, suggested standard conditions relating to the timescale of implementation, matching materials and the requirement to carry out the development in accordance with the approved plans. These conditions are either statutory in nature or reasonable and necessary in the interests of certainty and I will impose all those suggested with the standard wording.
15. Furthermore, in accordance with the requirements of Appendix F of the Local Plan as noted above, and having regard to the limited availability of on-street parking within this section of Brunel Road, it is reasonable and necessary to include a condition which retains the future use of the proposed garage for vehicle parking.

Conclusions

16. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR