



Appeal Decision

Site visit made on 4 August 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/X1165/D/20/3252809

8 Berry Avenue, Paignton TQ3 3QN

- 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 Anne Capper against the decision of Torbay Council.
 - The application Ref P/2020/0205, dated 24 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is formation of off road parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposed development seeks to create an off street parking space within the front garden area. At the time of the site visit the relevant area had been excavated and the associated section of the front wall removed. Blockwork construction had also commenced.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the wider street scene.

Reasons

4. Berry Avenue is a no through road the length of which is laid out with facing residential development to one side and the rear of the properties on Berry Drive to the other. No 8 Berry Avenue is an end property in a terrace of four, two storey houses. The terrace is sited alongside the junction of Berry Avenue with Colley End Road. As the built form of No 2 Berry Drive opposite is set back from the junction, the terrace is highly prominent in public views when heading uphill on Colley End Road.
5. The houses in the terrace have fairly deep front garden areas. As the land rises steeply from the front to the rear of the plots, the brick front boundary walls act as modestly sized retaining walls. The brick walls and the elevated front garden areas are important and prominent features that make a positive contribution to the character of the terrace and the street scene.
6. The effect of the development has been to replace a significant proportion of the important characteristic raised front garden area and brick boundary wall with a large void and tall retaining wall to the rear. Although some garden area has been preserved directly in front of the house, part of which is to be

enhanced with decorative planting, the void and the retaining wall remain visually dominant in public views. The proposed completed rendered and white painted finish to the retaining wall and the flank walls would starkly contrast with the brick boundary walls to the neighbouring properties, further emphasising the discordant nature of the development. The scheme would thereby cause significant harm to the character and appearance of the host property, the terrace and the wider Berry Avenue street scene.

7. It is acknowledged that several properties in Berry Avenue have already created front off road parking areas but these are set further into Berry Avenue and do not form part of the same highly prominent terrace as the appeal property.
8. Examples of a limited number of other off street parking areas in the wider locality and the decrepit state of the front boundary wall, steps and front garden area do not justify the harm arising from the development. Likewise, the benefits of the off street space, including provision for parking and the storage of waste and recycling containers, does not outweigh the harm. The lack of objections from neighbours does not lend positive weight to the scheme.
9. Given these findings, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the host property and the wider street scene. It would therefore conflict with Policy DE1 of the 2015 adopted Torbay Local Plan which seeks to ensure development respects the character of Torbay's built environment. It would similarly conflict with the National Planning Policy Framework which seeks to ensure development is of good design that is sympathetic to local character.

Conclusion

10. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

APPOINTED PERSON