



Appeal Decision

Site visit made on 22 September 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2020

Appeal Ref: APP/X1165/W/20/3250020

75 Waterleat Avenue, Paignton, Devon TQ3 3UD

- 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 Mrs Linsey Goring against the decision of Torbay Council.
 - The application Ref P/2019/1137, dated 6 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is described as 'extension to be used as separate unit of living accommodation'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. For clarity the description of the proposed development is taken from the appeal form and decision notice.
3. At the time of my site visit it was unclear whether the proposed sub-division of the property had already taken place as occupants of No 75 and 75A (the extension) did not grant access to either part of the building. Therefore, given that the intended dimensions of the proposed rooms do not appear to be in dispute, I have considered the appeal on the basis of the plans submitted, without an internal inspection. This approach reflects the view of the appellant in their appeal form and the Council in their questionnaire, where neither party considered it essential for the site to be entered to determine the appeal.
4. It is apparent that the Council made an error in their reasons for refusal, referring to the proposal as a ground floor apartment. However, it is clear from the evidence provided that this was a mistake and the proposal was considered as a two-bedroom, two storey dwelling.

Main Issues

5. The main issues are the effect of the proposed development on the living conditions of future occupants, with particular regard to living space and;
6. The effect of the proposed development on parking and highway safety.

Reasons

Living conditions

7. The proposed development would change the existing extension of No 75, in to a separate, two-bedroom dwelling. The extension is understood to have its own separate supply of services from the main dwelling. The internal floor space of

- the proposed separate unit would be approximately 49 m², spread over two floors and the associated garden would be created by sub-dividing that which currently exists.
8. The proposed development would result in a new dwelling which would have a shortfall in living space when compared against that detailed in Policy DE3 of the Torbay Local Plan, 2012-30 (LP), adopted 2015, which is based on national standards. This would be the case if considered as a two-bedroom, two-storey property for four (79m²) or three people (70m²). It would also appear that the proposed second bedroom would not meet the minimum national standards for a single bedroom.
 9. The national standards are minimum standards which are intended to act as a benchmark for high quality design. Although the appellant contends that the accommodation would be comfortable and affordable, the shortfall in proposed living space is not appropriate as it would create a harmfully cramped development for future occupiers. That the associated garden space of the proposal would not fall short of that required would not in my view amount to more than a neutral consideration in the appeal.
 10. I have no substantive evidence before me to consider that the proposed arrangement would not result in harm to future occupiers. Reference is made by the appellant to similar development nearby. However, this was not apparent at the time of my visit and no detail has been provided of the Council's acceptance for such development. Notwithstanding the appellant's view that the accommodation would serve a 'need' no further detail of this need has been provided.
 11. Therefore, the proposed development would not accord with Policy DE3 of the LP, which seeks, amongst other things to ensure new development provides appropriate living conditions for occupiers.

Parking and highway safety

12. No 75 appears to have a garage and associated hardstanding to the front, this arrangement is repeated at other properties along the road. Opportunities to park on-street were limited at the time of my visit, the situation would likely worsen outside of working times and the road is also subject to waiting restrictions, further reducing available parking space. The Council have also noted that the location is subject to parking stress, albeit this has not been evidenced with data.
13. Although reference is made to a parking area on the proposed plans, it is unclear how or whether the proposal would be served by its own dedicated off-street parking provision. Similarly, if the proposal is intended to be served by off-street parking how this would effect the current arrangement for No 75. No detail has been provided regarding proposed cycle storage or why such provision would not be viable. However, it is clear there would likely be less demand for cycle storage given the gradient of the road would not lend itself to encouraging such trips. Likewise, minimal detail has been provided to show the detail of any bin storage, although that could be the subject of a condition if the proposed development was otherwise acceptable.
14. Policy TA3 of the LP is clear that off-street parking provision should be provided with new development in such locations, the detail of which is prescribed in

Appendix F Car Parking Requirements, this would require 2 dedicated spaces for the proposed development. A small area of hardstanding appears to sit behind the footway, however this would require travelling over the pavement to reach it and would be too small to accommodate vehicles without obstructing part of the footway, harmfully forcing pedestrians in to the carriageway, creating a highway safety issue. That such obstruction of footways appeared to be relatively common nearby does not make the proposal acceptable.

15. I have no reason to consider that the lack of apparent off-street parking associated with the proposal could be mitigated by an availability of parking on-street. As such, albeit one dwelling, the proposed development would harmfully exacerbate the lack of parking provision on-street.
16. The proposal would therefore not accord with Policy TA3 of the LP, which amongst other things seek to ensure proposed development includes adequate parking provision.
17. The proposed development would also not accord with Policy PNP1(d) of the Paignton Neighbourhood Plan, 2019, which seeks to ensure new development, where appropriate provides adequate bin storage.

Planning balance

18. The Council have identified a shortage in overall housing land supply, although only one dwelling, the proposal would assist in reducing that shortfall. However, given the harm that I have identified and having regard to Paragraph 11 of the National Planning Policy Framework, 2019 (the Framework), I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole, including its presumption in favour of sustainable development.

Other matters

19. I understand that the appellant has been left mortgages to settle on the property following a bereavement. However, this is not a planning matter or reason to allow the proposed development.

Conclusion

20. For the reasons above the appeal is dismissed.

M Scriven

INSPECTOR