



Appeal Decision

Site visit made on 17 November 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 9 December 2020

Appeal Ref: APP/X1165/D/20/3258407
5 Penpethy Road, Brixham TQ5 8NN

- 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 Lewis Wright against the decision of Torbay Council.
 - The application Ref P/2019/1346, dated 18 December 2019, was refused by notice dated 12 August 2020.
 - The development proposed is a parking deck.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - i) the effect of the development on the character and appearance of the host property and the wider area and,
 - ii) the effect on the living conditions of the occupiers of 7 Penpethy Road with particular reference to privacy and outlook.

Reasons

- i) *Character and appearance*
3. Penpethy Road is a residential street which rises steeply from the A3022, New Road. It appears that the appeal property, No 5, used to form part of a row of four single storey bungalows with hipped roofs on the south side of the street, (1,3, 5 & 7 Penpethy Road). However, the neighbouring property to the north-east of the appeal site, No 7, has been extended above the original roof level to become a two storey house.
 4. Given the land falls sharply towards the south-east from this part of Penpethy Road, the appeal property's living accommodation sits well below the highway. As a consequence, the proposed formation of a two car off-road parking platform at the front of the property and level with the road would be sited just above the eaves. Due to its scale and awkward elevated position relative to the house, the platform would appear as an unduly dominant and incongruous feature that would have a significant adverse impact on the character and appearance of the property.

5. It is noted that No 7 has a wide platform at the front, although it is fairly shallow and not used for parking. Furthermore, there is a terrace to the north-east of No 7 where the houses feature off road parking platforms. Nevertheless, these all adjoin the upper floor of the respective properties, as opposed to the roof. Therefore, despite the prevalence of platforms in this section of Penpethy Road, the awkward and incongruous relationship with the roof level of the host dwelling that would arise in the appeal scheme would be harmful to the street scene.
6. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the host property and the wider area. It would conflict with Policy DE1 of the 2015 Torbay Local Plan (LP) which, amongst other things, seeks to ensure development respects the character of the surrounding built environment and integrates with the street scene.

ii) Living conditions

7. There are two ground floor and two lower ground floor windows in the south-western flank of No 7 which appear to serve habitable rooms. As the south-east corner of the proposed platform would be sited only a short distance away from these windows, it would provide anyone stood on this portion of the platform views into the relevant windows. Given the views obtained would be far closer than what is possible from the street, there would be a significant degradation of the privacy experienced by No 7. While it is recognised the occupiers of No 7 are supportive of the proposed scheme, planning policy seeks to ensure a high standard of amenity for existing and future occupiers.
8. In its reason for refusal, the Council also sets out the proposal would have an overbearing relationship with the neighbouring property. However, as the platform would be viewed at an oblique angle from the four flank windows and given the impact of No 7's own platform at the front, it is considered the proposal would not cause unacceptable harm in respect of the outlook from the neighbouring property.
9. Nonetheless, it is concluded the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of 7 Penpethy Road with particular reference to privacy. It would conflict with Policy DE3 of the LP which seeks to ensure development does not unduly impact upon the amenity of neighbouring uses.

Other Considerations

10. It is acknowledged the proposal would create space on the highway in front of the property that would help with the flow of traffic. Nevertheless, this consideration does not outweigh the significant harm identified above in respect of the two main issues.

Conclusion

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

C J Ford

PLANNING DECISION OFFICER