



Appeal Decision

Site Visit made on 1 December 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/X1165/D/20/3260746
80 Windsor Road, Torquay TQ1 1SU

- 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 Jack Henderson against the decision of Torbay Council.
 - The application Ref P/2020/0299, dated 22 March 2020, was refused by notice dated 19 August 2020.
 - The development proposed is removal of front wall of front garden to allow for front garden to become a driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Three revised plans have been submitted with the appeal, showing accurate measurements of the site. As the plans do not materially alter the proposals, I can consider them without prejudice to any other party.
3. I saw that the front boundary wall has already been demolished. I am therefore dealing with this element of the proposal retrospectively.

Main Issues

4. The main issues are the effect of the development on:
 - a) The character and appearance of the area;
 - b) Highway safety; and,
 - c) The living conditions of the occupants of 78 Windsor Road with regard to noise from vehicles.

Reasons

Character and appearance

5. 80 Windsor Road is at the end of a terrace of four houses which display a high degree of symmetry in their materials and design. All have two-storey bay windows, and gables topped with decorative finials. Prior to the recent removal of the boundary wall, they were all set back from the road behind enclosed front gardens. Although the front boundary treatments are of varying materials and height, the terrace retains a unified character. To the east is another symmetrical terrace of houses, set a similar distance back from the road behind front gardens that are enclosed by stone walls. A longer terrace of houses lies

on the opposite side of the road, with shorter front gardens behind low walls, railings and hedges. The character of the area is therefore defined by cohesive terraces of houses set behind enclosed front gardens.

6. The removal of the front boundary wall would be out of character with this prevailing pattern of development, and would be harmful to the sense of enclosure that currently predominates the street scene. Vehicles parked in the resultant open forecourt would be an intrusive feature alongside the other enclosed front gardens, which often include small trees and landscaping, that soften the continuous built form of the terraces. The provision of two car-parking spaces, and the need to maintain pedestrian access to the side entrance door, would leave very little space for any meaningful landscaping. As a result, the entirely open frontage would be a discordant feature, that would disrupt the cohesion of the terrace, and thereby harm the character of the wider area.
7. The appellant has indicated that a reinforced grass surfacing could be used on the forecourt. However, this would often be hidden below parked cars, so would not be effective in softening the frontage. In any event, it is the loss of enclosure in the street scene, and the introduction of parked cars, that would harm the character and appearance of the area, rather than the surface materials.
8. My attention is drawn to other vehicular accesses and off-street parking areas within the immediate vicinity. The adjacent house, No 82, has a driveway, but it has an abnormally large side garden where cars are parked, so the front garden remains enclosed and landscaped. No 93, directly opposite, lies on a bend in the road, so has parking space at the side of the house, but again retains landscaping and enclosure in front of the building. No 74, to the southwest is also a corner property with an enclosed and landscaped front garden. None of the cited examples involves an entirely open parking area in front of the building, so they are not directly comparable with the appeal proposal. Furthermore, these accesses and parking areas do not contribute positively to the character and appearance of the area, so do not weigh in favour of the appeal proposal.
9. I therefore conclude that the development would be harmful to the character and appearance of the area. As a result, it would be contrary to Policy DE1 of the Torbay Local Plan 2012-2030 (the Local Plan) and Policy TH8 of the Torquay Neighbourhood Plan (the Neighbourhood Plan). These policies seek to ensure that development acknowledges local character, integrates with the existing street scene, and reflects the identity of its surroundings.

Highway safety

10. The appeal site lies in a largely residential area, with moderate levels of traffic. Vehicles move at relatively slow speeds due to the prevalence of parked cars, which reduce the effective carriageway width. The evidence indicates that there have been no recorded traffic accidents in the vicinity in the last five years. This reinforces my impression that traffic conditions in the area are not inherently hazardous.
11. There are double yellow lines in Windsor Road directly in front of the house, so there would be no loss of on-street parking as a result of the new access. Consequently, the proposal would result in a net increase in off-street parking.

The plans submitted with the appeal demonstrate that two parking spaces could be accommodated in the front garden in accordance with the dimensions required by Policy TA2 of the Local Plan. The house already has a garage to the rear, so even if only one car were to be parked on the forecourt, two parking spaces would still be available in accordance with the parking standards set out in the Local Plan.

12. Although visibility splay drawings have not been provided, there is a pavement approximately 2.5 metres wide along the property frontage. Theoretically, therefore, visibility to the east is available across the pavement for a significant distance. In practice, though, visibility is restricted by parked cars. However, any on-street parking occurs beyond the driveway of No 82, so a reasonable degree of visibility would be available. Traffic approaching from the east would be on the opposite side of the carriageway, and the nature of the road dictates that it would be travelling at a modest speed. Consequently, a driver would have adequate warning of a car emerging from the access, so no highway danger would ensue.
13. Cary Park Road joins Windsor Road to the west of the site. The junction is on the outside of a bend, so vehicles emerging from Cary Park Road have good visibility along Windsor Road in both directions. A driver waiting at this junction would have unimpeded visibility of the appeal site frontage across a wide pavement. Similarly, a driver emerging from the parking area would have clear visibility of the junction. Drivers approaching along Windsor Road from the southwest would have clear advance visibility of the junction and the appeal site, and would be travelling at a low speed due to the bend in the road. Therefore, although the parking area is relatively close to a junction, the combination of low traffic speeds, and good visibility for all road users, means that highway safety would not be compromised.
14. I therefore conclude that the development would not be harmful to highway safety, so would accord with Policies TA2 and TA3 of the Local Plan, and Policy TH9 of the Neighbourhood Plan. In combination, these policies seek to ensure that appropriate car-parking is provided in new development, and that new accesses are safe, including a satisfactory standard of visibility.

Living conditions

15. The provision of car-parking in the front garden would bring vehicle movements closer to the adjoining house than is currently the case. The confined space available to park two cars would be likely to result in a car being parked close to the boundary with No 78. This boundary is currently marked by a hedge, which would not act as a robust barrier to engine noise and fumes. The evidence indicates that the adjoining property is divided into two flats, with a ground floor entrance door close to the appeal site boundary giving access to a communal access hallway. Windows serving habitable accommodation are further from the boundary, or at first floor level.
16. The impact of noise would be limited to the occasional arrival and departure of vehicles, and the attendant slamming of car doors. This would be infrequent, and it is unlikely that the noise generated would be significantly higher than background levels, except in the late evening or early morning. At these times the disturbance could be intrusive, but in view of the infrequency of such events, would not lead to a significantly harmful impact on the living conditions of the occupants of the adjacent property. Had I been minded to allow the

appeal, I could have further reduced the potential impact on the adjacent occupants through the imposition of a planning condition requiring a more robust boundary treatment.

17. I therefore conclude that the proposal would not be harmful to the living conditions of the occupants of 78 Windsor Road. As a result, there would be no conflict with Policy DE3 of the Local Plan, which seeks to ensure that development does not unduly impact on the amenity of neighbouring uses.

Other Matters

18. I have considered the appellant's evidence that the existing rear access lane and garage are not convenient to use, and that visibility for drivers emerging onto the adjacent roads is very limited. However, I saw that this lane is used as a vehicular access to parking areas at the rear of many of the surrounding houses. The lack of accident records in the vicinity indicates that vehicles emerging from the service lane do so safely. This matter therefore carries little weight in my decision.

Conclusion

19. I have found that the development would not be harmful to highway safety or the living conditions of the occupants of 78 Windsor Road. However, this does not outweigh the harm I have found to the character and appearance of the area.
20. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR