



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: 14 December 2020

Appeal Ref: APP/X1165/D/20/3258512 30 Vicarage Road, Torquay TQ2 6HX

- 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 D French against the decision of Torbay Council.
 - The application Ref P/2020/0244, dated 6 March 2020, was refused by notice dated 30 June 2020.
 - The development proposed is alteration to existing access drive and formation of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - i) the effect of the proposed development on the character and appearance of the area which is within the Chelston Conservation Area, and
 - ii) the effect on highway safety.

Reasons

- i) *Character and appearance*
3. The appeal site is located within the Chelston Conservation Area (CA), a designated heritage asset where special attention must be paid to the desirability of preserving or enhancing its character or appearance. The special interest of the CA generally derives from its development as a secluded garden suburb of the late 19th and early 20th century.
 4. The appeal property forms part of a group of semi-detached houses on the south side of Vicarage Road, facing the public open space of St Matthew's Field. The houses are set back from the road and sit above the level of the highway. Within the Council's 2005 Chelston Conservation Area Character Appraisal, the houses are identified as 'key buildings and building groups of architectural importance or which make a significant contribution to the townscape'.
 5. Having regard to 28 Vicarage Road, attached to the appeal site, it appears the properties were likely to have originally been laid out with stone front boundary walls that were only punctuated by a narrow pedestrian access and with a rising garden area behind. Many of the properties, including the appeal site,

have since seen the pedestrian access replaced with a wider vehicular access and the area behind become a combination of driveway/open parking and garden. Despite these changes, in the limited number of cases where a garage has been constructed, it has been sited far back within the plot and closely related to the flank of the respective house.

6. Given the character described above, the construction of a garage in front of the house would, in general terms, fail to conform with the established pattern of development. In the proposed scheme, it is acknowledged the garage would be set at an angle into the front garden area, partly behind the front boundary wall and with a green roof/garden area reformed above. However, the garage door and stone faced surround would still denote the building's existence in public views from Vicarage Road and St Matthew's Field. Therefore, despite its largely concealed subterranean form, it would nevertheless appear as an incongruous and visually intrusive addition amongst the group of key buildings.
7. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would fail to preserve or enhance the character or appearance of the CA. The development would conflict with Policies DE1 and SS10 of the 2015 Torbay Local Plan (LP) and Policy TH8 of the 2019 Torquay Neighbourhood Plan. Amongst other things, the policies seek to ensure development respects local character and the distinctive character and appearance of Torbay's CAs. It would also conflict with the National Planning Policy Framework ('the Framework') and its promotion of the conservation of the historic environment.
8. The Framework specifies that where a development would lead to less than substantial harm to a designated heritage asset, as would be applicable in this case, the harm should be weighed against the public benefits. The appellant notes that Vicarage Road suffers on-street parking problems and some alleviation would be provided by the proposed garage and alterations to the existing drive. However, the identified on-street parking pressure could signify that even if the development were permitted, there would continue to be a high demand for on street parking, in which case the amount of on-street parking in the immediate vicinity may remain broadly the same. Even if this consideration were to be regarded as a public benefit, it would not outweigh the harm to the designated heritage asset identified above.

ii) Highway safety

9. It has not been confirmed through the provision of vehicle tracking drawings whether the proposed garage may be accessed in a single manoeuvre, in accordance with the Council's highways department standing advice. Given the angled nature of the garage with the door positioned fairly close to the site entrance, as well as the prospect of there being on-street parking to either side of the entrance, I cannot be sure that a car seeking to access the garage would be able to do this in a single movement and without having to manoeuvre on the highway, which would compromise highway safety.
10. Therefore, notwithstanding Vicarage Road being used by fairly slow moving traffic and to a lesser degree than St Matthew's Road to the north, it is considered the proposed development would have an unacceptably harmful effect on highway safety. It would conflict with Policy TA2 of the LP which seeks to ensure adequate levels of accessibility and safety. It would also conflict with

the Framework which sets out that development should be refused if there would be an unacceptable impact on highway safety.

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