



Appeal Decision

Site visit made on 25 January 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/P1133/W/20/3260711

6 Higher French Park, Newton Abbot TQ12 1PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Corbyn against Teignbridge District Council.
 - The application Ref 20/00634/FUL, is dated 20 April 2020.
 - The development proposed is construction of vehicular hardstanding at front of property.
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Decision

1. The appeal is allowed and planning permission is granted for construction of vehicular hardstanding at front of property at 6 Higher French Park, Newton Abbot, TQ12 1PQ, in accordance with the terms of the application, Ref 20/00634/FUL, dated 20 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed plan and elevation, Ref 1555-06 Rev A, dated April 2020
 - Proposed section and notes, Ref 1555-05 Rev A, dated April 2020
 - Location plan, Ref 1555-04, dated April 2020
 - 3) Prior to first use of the parking space hereby approved, an electric vehicle charging point shall be installed. The charging point shall thereafter be permanently retained as such.
 - 4) Prior to first use of the parking space hereby approved, the boundary wall enclosure and intervening boundary hedge between Nos 6 and 8 Higher French Park shown on plan Ref 1555-06 Rev A shall be provided. These features shall thereafter be maintained as such.

Preliminary matter

2. The application was submitted against the failure of the Council to determine the application within the prescribed period. Since the appeal was lodged, the Council has indicated that, had it been in a position to determine the application, it would have refused it for two reasons relating to its effect on the character and appearance of the area, and on the living conditions of neighbouring occupiers.

Main Issues

3. Having regard to the evidence, the main issues are the effects of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers at No 8 Higher French Park, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The host dwelling is a mid-terraced bungalow which sits within an arrangement of four almost identical dwellings that step down the hillside and down from the adjoining road level. They form part of a small cul-de-sac and within a wider residential estate area of mixed, modern dwellings. The area is served by a combination of parking solutions, including some private driveways, garages, garage courtyards and on street parking. A high number of cars appeared to be parked on the street which resulted in a partial obstruction of the narrow road.
5. The proposal would involve building up the level in front of the dwelling to provide a driveway, surrounded by a low wall enclosure.
6. Whilst the frontage of the dwelling is currently occupied by a limited amount of low vegetation and is otherwise pleasant, the effect of the proposal would be of limited consequence to the quality of the streetscene as a whole. Though the terrace's frontage arrangement differs in character to that on the opposite side of the street, its context is still within a modern, mixed residential area where the many varieties of housing types and domestic alterations lends to the areas character. There are many examples of driveways in the wider area, some navigating slopes, some forming part of continuous rows of driveways and all have a deliberate role within a residential area.
7. Given its siting, in the middle of the terrace, extending from road level and due to the nature of the development itself, the proposal would not be a dominant addition within the streetscene. It would be sufficiently low to sit below the level of the front window and avoid obscuration of the principal elevation. The retention of a degree of vegetation would also be useful in order to help maintain some degree of softness to the frontage space.
8. As such, the proposal would not harm the character or appearance of the area and therefore complies with Policies S1, S2 and WE8 of the Teignbridge Local Plan 2013 – 2033 (adopted 2014) (Local Plan). Amongst other things, these Policies seek to ensure new development maintains the character and appearance of affected streetscenes. For similar reasons, the proposal would comply with Policy NANDP2 of the Newton Abbot Neighbourhood Plan (2016) (NP) which seeks development of a high standard and for frontage areas of public and private space appropriate to the grade of the street, including where appropriate the use of low walls and railings.

Living conditions of neighbouring occupiers

9. The proposal would provide a single parking space within a residential area, in close proximity to the adjoining neighbouring dwellings. It would be enclosed

by a low wall, deliberately low enough to maintain an outlook from the windows of the dwelling but sufficiently high enough for safety.

10. In terms of noise, whilst in close proximity to the neighbouring dwellings, the use of a residential car parking space in connection with the use of the host dwelling would, in itself, not be harmful. The comings and goings of the occupiers would generate a limited degree of additional noise compared to the parking of the car on the street just a short distance away.
11. In terms of disturbance from car headlights, due to the stepped nature of the terrace, the adjoining dwelling is at a slightly lower level. The surface level of the parking space would sit at approximately mid-height of the window in the neighbouring dwelling's principal elevation. Due to the need to enclose the space, for safety and practical reasons, there would be a sufficient height of wall to absorb much of the light from headlights in the event of the use of the space during the hours of darkness. Any light above the level of the wall would also be diffused by the proposed intervening boundary hedge, along with any internal privacy measures, such as curtains.
12. For the above reasons, the proposal would not harm the living conditions of adjoining neighbours and therefore complies with Policy S1 of the Local Plan which seeks to protect existing occupiers from health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from new developments.

Conclusion

13. The proposal complies with the development plan, read as a whole. The appeal is therefore allowed.

Conditions

14. In addition to the statutory timescale, it is necessary to condition the approved plans in the interests of certainty.
15. In order to comply with Policy NANDP2 of the NP, it is necessary to require the provision of an electric car charging point.
16. In order to protect the living conditions of neighbours, the implementation of planting and construction of the boundary enclosure are required prior to first use of the parking space.

Hollie Nicholls

INSPECTOR