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# Appeal Decision

Site visit made on 2 February 2021

**by Adrian Hunter BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 March 2021**

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**Appeal Ref: APP/X1165/D/20/3262273**

**111 Mount Pleasant Road, Brixham TQ5 9RU**

- 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 & Mrs L and R Turvey against the decision of Torbay Council.
  - The application Ref P/2020/0334, dated 30 March 2020, was refused by notice dated 18 August 2020.
  - The development proposed is formation of off road parking.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Reason for refusal two of the Council's Decision Notice includes a reference to proposed terrace/decking and their effect upon the Brixham Town Conservation Area (BTCA). These elements however, do not form part of the appeal application, with the proposal before me solely relating to the formation of an off road parking space. The Council Officer's report does however refer to the effect of the proposed parking space upon the character and appearance of the BTCA. I have therefore dealt with the appeal on this basis.

## Main Issues

3. The main issues in this appeal are;
  - Whether the proposed development would preserve or enhance the character or appearance of the BTCA; and
  - The effect of the proposal on highway safety and in particular, whether the proposal makes adequate space for the provision of a parked car.

## Reasons

### *Conservation Area*

4. The appeal site comprises an end of terrace property, with both a rear and a separate, triangular shaped side garden. The boundary to the side garden with Mount Pleasant Road is identified by a natural stone wall, with a further, more substantial wall of similar appearance forming the rear boundary.
5. The BTCA covers a large part of the town and its significance lies, in part, in the way the diverse range of buildings and spaces it contains reflects the evolution and growth in the town over many years. Around the appeal site, the BTCA is characterised by dense development, mainly with terraced properties

positioned close to the edge of the carriageway, with little in the way of footway provision. Streets are narrow, with buildings and boundary treatments designed and built to respond to the steep slope. Along Mount Pleasant Road, front boundaries of the properties are clearly identified with walls, which are punctuated by pedestrian entrances.

6. In comparison to the walls to the front of the terrace properties along Mount Pleasant Road, the walls to the front and rear of the appeal site are of a more traditional appearance in terms of their materials and design. As such, both make a positive contribution to the character and appearance of the area. As a result, due to the introduction of an uncharacteristically large opening, the albeit partial loss of the front boundary wall, would have a harmful effect upon the character and appearance of the BTCA. Whilst the proposed design has sought to include the reuse of the materials from the removed element, the overall loss of a length of prominent boundary wall, results in a proposal that would fail to respond to the historic significance of its immediate locality.
7. I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, I therefore conclude the proposal would fail to preserve or enhance the character or appearance of the BTCA and would cause less than substantial harm to its significance as a designated asset. Paragraph 196 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal.
8. My attention has been drawn by the appellant to the car parking issues that affect the surrounding area, and in particular the congested nature of the surrounding streets. In this respect, the provision of an off-road parking space to serve the existing property would be of benefit. However, given the modest scale of the provision, this carries limited weight overall. It would therefore not be sufficient to outweigh the harm the development would cause to the significance of the BTCA as a designated heritage asset. Given the national importance to protecting heritage assets, relative to the modest benefits that would accrue from the appeal development, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the heritage assets, to justify the development.
9. Consequently, the development would conflict with Policies DE1 and SS10 of the Torbay Local Plan and Policy BE1 of the Brixham Peninsula Neighbourhood Plan. Amongst other things, these policies seek to conserve the local character and historic environment. The proposed development would also conflict with the aims of The Framework, as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm.

#### *Highway Safety.*

10. The Local Highway Authority's guidance requires that parking spaces, which adjoin a highway should be a minimum of 5.5m in length. There is however disagreement between the parties with regards to the length of the proposed car parking space, with the appellant submitting that the plans show the proposal would meet this requirement, but with the Council being of the opinion that the space would be slightly less than that required.

11. From the evidence before me, it would appear that the proposal would make adequate provision to meet the Local Highway Authority's guidance. On this basis, I therefore conclude that a car could be parked on the site, without the need for it to overhang the highway edge.
12. For the above reasons, I therefore conclude that the proposed development would not harm highway safety and makes adequate provision for off street car parking and, in this respect, accords with Policies TA2 and TA3 of the Torbay Local Plan and the Framework.

### **Conclusion**

13. For the above reasons, I conclude that the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR