The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2021

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/X1165/D/20/3263181
78 Spencer Road, Paignton, TQ3 3SY

- 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 Adrian Northam against the decision of Torbay Council.
- The application Ref P/2020/0735, dated 30 July 2020, was refused by notice dated 22 October 2020.
- The development is construction of a carport.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original planning application was made retrospectively. The appeal has therefore been determined on the same retrospective basis.

Main Issues

3. The main issues are;

   i) the effect of the development on the character and appearance of the area,

   ii) the effect on the living conditions of neighbouring occupiers with particular reference to outlook, and

   iii) the effect on highway safety.

Reasons

i) Character and appearance

4. The appeal site is located in a residential area and accommodates a two storey semi-detached house. It forms part of a row of similar semi-detached properties that are set back from the eastern side of Spencer Road and which have finished ground floor levels significantly lower than the highway. The space directly in front of the houses characteristically comprises steeply rising front garden areas, the majority of which contain soft landscaping.

5. Aligned with the gaps between each pair of semi-detached properties there are concrete steps for each neighbouring house, or in the case of Nos 84 and 86, steps which flank a shared driveway leading to garages at the rear. The repetitive pattern of the layout of the properties, with garden areas located in

front of the houses and the hard engineered elements (the pathways/ driveway) restricted to the gaps between each pair, is a particularly distinct and important part of the character and appearance of the locality. While it is noted a large part of the front garden area to No 82 has been levelled and concreted, this appears as an anomaly.

6. The development at the appeal site has resulted in a large part of the front garden area being occupied by an open fronted off-street parking space which is positioned side-on and level with the adjoining public footway. The parking space is visually emphasised by a rendered and white painted perimeter wall which wraps around the sides and the rear. As a consequence, it significantly disrupts the distinct and important repetitive pattern to the layout of the properties within the street. Additionally, it results in a large prominent mass awkwardly positioned very close to the front elevation of the dwelling and which projects above the height of the ground floor windows. Therefore, the visibly incongruous relationship with the house also has a significant detrimental impact on the wider street scene.

7. In light of the above, it is concluded the development has an unacceptably harmful effect on the character and appearance of the area. It conflicts with Policies DE1 and DE5 of the 2015 Torbay Local Plan (LP) which, amongst other things, seek to ensure development respects the distinct character of the built environment and integrates with the street scene. It also conflicts with Policy PNP 1(c) of the 2019 Paignton Neighbourhood Plan (NP) which expects development to strengthen local identity by retaining features that make a location distinctive and attractive. Furthermore, it conflicts with the National Planning Policy Framework which seeks to ensure developments are visually attractive and sympathetic to local character.

ii) Living conditions

8. The appeal development is positioned only a short distance away and is clearly visible from the ground floor front window of No 80, the neighbouring dwelling attached to the appeal property. Its large bulk greatly exceeds that of the steeply rising front garden area and it projects above the height of the window. As a consequence, it is overbearing and oppressive in the outlook from No 80 and causes unacceptable harm to the living conditions of the occupiers of the property in this respect. It conflicts with Policy DE3 of the LP which seeks to ensure development does not unduly impact upon the amenity of neighbouring uses through visual intrusion and being overbearing.

iii) Highway safety

9. The Council refers to the parking space as being 2.76m x 7.16m. While this exceeds the identified minimum 2.4m x 4.8m to be regarded as a parking space in Appendix F of the LP, the Appendix goes on to specify dimensions of 3.2m x 6m where a space is accessed directly from the highway.

10. Given the 2.76m depth of the space and the physical restriction of the perimeter wall, it is unlikely the doors on both sides of a car can be conveniently opened without the vehicle being parked in a position which partly overhangs and thereby obstructs the footway.

11. As the depth of the space is substandard, pedestrian safety on the footway cannot be assured and in this regard the proposal is detrimental to highway

safety. The development conflicts with Policies TA2 and TA3 of the LP. The former seeks to ensure vehicular access to the highway is provided to a safe standard while the latter expects development to meet the parking requirements set out in Appendix F of the LP.

Other Considerations

12. The benefits of a private off-road parking space for a key worker and the associated reduction in on street parking demand by one car are acknowledged. However, these considerations do not outweigh the significant identified harm to the character and appearance of the area, the living conditions of neighbouring occupiers and highway safety. Furthermore, while the appellant reports of cars irresponsibly parking over the pavement, there was no evidence of this at the time of my site visit and it does not justify the harm arising from the development.

Conclusion

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

C J Ford

PLANNING DECISION OFFICER