



Appeal Decision

Site visit made on 4 May 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/X1165/D/20/3263782

4 Elsdale Road, Goodrington With Roselands, Paignton TQ4 5NX

- 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 Kurtis Hale against the decision of Torbay Council.
 - The application Ref P/2020/0415, dated 1 May 2020, was refused by notice dated 2 September 2020.
 - The development proposed is off road parking space and vehicle access onto the highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the wider street scene; and
 - the effect on highway safety.

Reasons

Character and appearance

3. The appeal property forms part of a terrace that is sited alongside the junction of Elsdale Road with Footland Road. The front of the terrace is particularly prominent in public views when heading uphill on Footland Road.
4. As the land rises steeply from the front to the rear of the properties, the fairly deep front garden areas are elevated and the front boundary walls act as modestly sized retaining walls which are punctuated by narrow gaps that provide pedestrian access to footpaths leading up to the houses. The walls and the elevated front garden areas are prominent features that make an important positive contribution to the character of the terrace and the street scene.
5. The proposed off-road parking space would replace a substantial proportion of the property's raised front garden area with a large void. It would also create a wide gap in the boundary wall. Consequently, there would be a significant and harmful visual disruption in the continuity of the important character and appearance of the frontage to the terrace. Although the remaining front garden area would be regraded and extensively planted, along with the erection of a new section of wall to block up an existing footpath to the house, this would fail to successfully mitigate the harm.

6. The numerous examples of off-street parking spaces in the locality are acknowledged, including at 1 and 7 Elsdale Road which form part of a similar aged terrace located opposite the appeal site. However, the properties do not have raised front garden areas which are as prominently located as the appeal site. Moreover, it is unclear whether they were considered against extant planning policy, as is applicable in this case. The appeal proposal has been duly considered having regard to its particular position within the street scene and its important positive contribution to the locality.
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 host property and the wider street scene. As such, it would conflict with Policy DE1 of the Torbay Local Plan 2015 (LP), which seeks to ensure development respects the distinct character of the built environment and integrates with the street scene. It would also conflict with Policy PNP 1(c) of the Paignton Neighbourhood Plan 2019 (NP), which expects development to strengthen local identity by retaining features that make a location distinctive and attractive. Furthermore, it would conflict with the National Planning Policy Framework (the Framework), which seeks to ensure developments are visually attractive and sympathetic to local character. While the Council's reason for refusal also referred to Policy DE5 of the LP, it is not applicable in this case as it relates to domestic extensions.

Highway safety

8. Appendix F of the LP sets out that a parking space will be regarded as a minimum of 2.4m by 4.8m. However, it goes on to specify that where a space is accessed directly from the highway, as in this case, it should be 3.2m by a minimum of 5.5m.
9. The submitted plans indicate the proposed parking space would be 5.5m deep on either side and 3.2m wide. However, owing to its off-square shape, it would only have a functioning depth of around 4.8m. Consequently, the substandard depth of the space may lead to vehicles overhanging the public footway, causing an obstruction. As the footway is not particularly wide, pedestrians, including wheelchair users and people with prams, may have to move into the road to negotiate the obstruction, which would result in an unacceptable risk of conflict between pedestrians and cars travelling along Elsdale Road.
10. The proposal would therefore have an unacceptable impact on highway safety. As such, it would conflict 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. It would also conflict with the Framework which specifies that development should be refused if there would be an unacceptable impact on highway safety. While the Council's reason for refusal also referred to Policy PNP1(c) of the NP, it is not directly applicable to the consideration of highway safety.
11. Although it is recognised there is scope within the front garden area to meet the LP's parking space requirements, such a scheme is not before me. Therefore, I cannot be certain that the resulting larger void would not have a greater adverse impact on the character and appearance of the locality than described above.

Other Matters

12. The benefits of a private off-road parking space to the appellant and the associated reduction in on-street parking demand by one car are acknowledged. However, those considerations do not outweigh the significant harm to the character and appearance of the locality and highway safety, as well as the loss of publicly available on-street parking space.

Conclusion

13. The proposal would conflict with the development plan taken as a whole and there are no other considerations, including the Framework, that would outweigh this conflict.
14. For the reasons set out above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR