



Appeal Decision

Site visit made on 3 September 2021

by Mrs H Nicholls FdA MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/X1165/D/21/3275534

13 Windmill Gardens, Preston, Paignton TQ3 1BL

- 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 Mrs Debbie Pine against the decision of Torbay Council.
 - The application Ref P/2021/0004, dated 29 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is parking area at front of property.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective application for parking area at front of property at 13 Windmill Gardens, Preston, Paignton, TQ3 1BL, in accordance with the terms of the application, Ref P/2021/0004, dated 29 December 2020, subject to the conditions in the below schedule.

Procedural Matter

2. From the evidence and as noted from my site visit, the parking area subject of the appeal application was constructed and completed by approximately 31 July 2020. Whilst I note the reference in the application form to its 'retrospective' nature, I have omitted this from the banner heading above as it is not an act of development.

Main Issues

3. The main issues are the effects of the proposal on (i) the character and appearance of the area, and (ii) the availability of on-street parking.

Reasons

Character and appearance

4. No 13 Windmill Gardens lies in a residential area of mainly modestly scaled bungalows, dormer bungalows or split level dwellings which are built in a topographically varied area. The dwellings on the northern side of the street are situated mostly higher than street level, with many driveways extending from the street on inclines of varied steepness. The dwellings on the southern side are largely below street level, with the consequence that many of the driveways slope down towards the house. There was no uniform style of frontage boundary or treatment, but some vegetation and low walls existed, providing a generally pleasant streetscene.
5. The age of the dwellings is such that many of their original driveways are narrower than ideal for modern vehicles, which when combined with their

sloping nature, makes them appear particularly challenging to use. Where sufficient space has allowed, some driveways have been adapted or other parking areas created to cater for off-road parking. However, a number of cars were parked along the street, adjacent to the footways.

6. The appeal proposal includes the provision of a parking space which has a retaining wall at its back edge in close proximity of the front elevation of the dwelling. The parking area is level with the adjacent street with a minor variation in surfacing treatment and colouring. With the retention of the original driveway to one side and the parking spaces filling the remaining area, the entire frontage of the dwelling is hardsurfaced with vegetation limited to the side boundaries and a small number of potted plants.
7. However, due to the set-down nature of the retaining wall, the level access to the parking structure from street level and its modest scale, the overall effects on the character and appearance of the area are limited when seen in the context of the frontages of dwellings in the wider streetscene. Were the appeal dwelling on the northern, higher side of the street, the structure may appear more prominent, but even with vehicles parked thereupon, the overall quality of the area's unremarkable residential character is little affected. The retention of the vegetation within the side boundaries and further landscaping measures would help to maximise the appealing aspects of the property's frontage, but the development otherwise causes no material visual or character harm.
8. In view of the above, the scheme accords with Policies DE1 and DE5 of the Torbay Local Plan (2015) (Local Plan), which require that development shall be assessed in relation to their visual appeal and that they should not dominate or have other adverse effects on the character or appearance of the area. For similar reasons, the proposal would also comply with Policy PNP1 of the Paignton Neighbourhood Plan (2019) which requires that proposals should be appropriate in scale and in keeping with the area.

Availability of parking

9. The size and useability of driveways varies throughout Windmill Gardens and consequently, some occupiers and their visitors are more reliant on the availability of on-street parking. Whilst the appeal property already benefitted from an existing driveway which would have prevented on-street parking immediately behind it, the new parking structure has effectively limited the availability of on-street spaces for the whole width of the frontage. The Council indicates that this removes two on-street spaces.
10. The appeal dwelling benefits from an existing garage, but I accept from the appellant's evidence that its size and location prevent it being used for the parking of vehicles. The driveway, whilst steep, is possibly capable of being used for tandem parking for two vehicles. However, the appellant alleges that it is used by no more than one vehicle due to the impracticality of its use. Overall, the number of spaces available for occupiers of No 13 amounts to 3 to 4, which is commensurate with many other dwellings in the surroundings and the number of spaces currently required by the appellants.
11. Whilst I undertook the site visit during the hours of a typical working day, there were still a number of car parking spaces available on one side of the street in which to park. This is despite the presence of a large boat on a trailer in a space equivalent to at least two vehicles, which appears from the evidence is a

regular feature within the street. I also noted that the occupiers of the appeal property had a number of vehicles parked on the parking area itself, which has in turn reduced the appellant's requirement for on-street parking, as would be the case for any future occupiers. The neighbouring occupier has written in support of the appeal application for the reason that it has reduced the parking congestion on the street and simplified manoeuvres into and out from their own driveway. This suggests that there is an overall neutral outcome from removing the modest amount of on-street parking outside of No 13 Windmill Gardens, as the same number of cars are removed from the street. Added to the effective creation of a permanent passing place in front of No 13, the highway effects are neutral overall.

12. In view of the above, the appeal proposal complies with, in particular, Policies TA1 and TA3 of the Local Plan, which require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development.

Conditions

13. Whilst the Council has suggested that the statutory time limit condition should be imposed, as the development has been completed, this is unnecessary. For similar reasons, a condition requiring details of materials is not required. A condition is however necessary to seek the retention of the development in accordance with the approved plans, in the interests of certainty.

Conclusion

14. For the above reasons, the proposal complies with the development plan and the appeal is therefore allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out and retained in accordance with the following approved plans:
 - Site Location Plan dated 08.12.2020
 - Plan Ref: Windmill Gardens 13 01, Rev 1, dated 30.12.20