



Appeal Decision

Site visit made on 3 November 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/X1165/W/21/3277928

P&P Lifts, Edginswell Lane, Shiphay With Willows, Torquay TQ2 7JF

- 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 and Mrs B and J Pile of P&P Lifts Ltd against the decision of Torbay Council.
 - The application Ref P/2021/0100, dated 27 January 2021, was refused by notice dated 9 June 2021.
 - The development proposed is addition of first floor to existing offices.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs B and J Pile of P&P Lifts against Torbay Council. It is the subject of a separate decision.

Procedural Matter

3. Just after the appeal was lodged the Government published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the new Framework without prejudice to the main parties.

Main Issues

4. The main issues are:
 - whether or not the proposal would make adequate provision for onsite parking, with reference to highway safety and the highway network; and,
 - the effect of the proposal on the living conditions of the occupants of Rock House with particular regard to outlook and sunlight.

Reasons

Parking provision

5. P&P Lifts is a lift servicing, repair, refurbishment and installation company operating from rural Edginswell, just beyond the urban edge of Torquay. The site contains separate office and workshop buildings fronting a concrete apron. It is accessed from Edginswell Lane which serves several other properties. The lane is narrow and sinuous, and enclosed in places by walls and buildings which immediately abut the carriageway. A degree of vehicle parking associated with the appeal site and adjacent properties is already taking place within it.

6. Policy TA3 of the Torbay Local Plan 2012-2030 (adopted 2015) (TLP), amongst other things, requires appropriate provision of car and commercial vehicle parking spaces in all new development. It goes on to say that proposals will be expected to meet the guideline requirements set out in Appendix F of the TLP.
7. The Council has suggested that the site may be in a B1 and B8 use, owing to the storage within the workshop. It is not for me to reach a formal view on the land use of the site within the context of this s78 appeal. However, it is necessary for me to broach this matter in order to reach a view on the parking requirements arising as a result of the proposed development.
8. There is no evidence of a discrete B8 storage and distribution enterprise operating here. Instead, the appellant's explanation of how the site functions clearly demonstrates that the office and workshop are used for purposes associated with P&P Lifts. Consequently, it is most likely that the site has until fairly recently been in a single B1 use. I say until fairly recently, because this use was absorbed into the new Class E in September 2020. I have therefore considered the appeal on the basis that this is now the land use of the site.
9. Appendix F predates the creation of Class E. However, the practical parking requirements at the site are unchanged by the recategorisation of its land use. Appendix F sets a requirement / guide for 1 parking space for every 30 square metres of gross B1 floorspace. However, it also appears to set a 2,500 square metre threshold before this is to be applied. Nonetheless, Appendix F also states that uses that do not fall within the schedule should be considered on a case-by-case basis. Given that there is already offsite parking associated with the business taking place, I consider it logical and judicious to rely on the parking requirement / guide that Appendix F sets for a B1 use in this case.
10. I understand that the office and workshop have a floorspace around 100 and 101 square metres respectively. The extension would effectively double the internal space of the office, so it is fair to deduce that there would be a gross floorspace of approximately 300 square metres. This means that the scheme generates a requirement for 10 onsite parking spaces to be provided. This also reflects the location of the site, in a fairly inaccessible location with limited access to sustainable transport options, but in close proximity to the A3022.
11. The appellants have provided a parking plan which identifies seven spaces. At face value, this falls below that required. Moreover, I observed at my visit that space one is likely unusable as it contains a dwarf wall. Space five appeared to be partly dissected by a palisade fence. There is also a need for engineers to access parts and equipment from the workshop, and I am not persuaded that the proposed arrangement, which significantly inhibits access to the workshop, is realistic or practical. As such, I find it likely that there would be a substantial residual parking demand which would gravitate towards the public highway.
12. Given its constrained specification, Edginswell Lane is not well suited to accommodating offsite parking. Adjacent to the site it also lacks dedicated pedestrian space. This means that those on foot, as well as cyclists, must share the carriageway with vehicles seeking to give way and manoeuvre around the parked vehicles. In addition, deliveries to the site block the carriageway from time to time, and I note from the appellants' evidence that, despite best efforts to minimise disruption, there have been occasions where it has been necessary to move work vehicles that have caused an obstruction.

13. Within this context, the likely offsite parking that would be generated by the proposal would place significant, additional pressure on the highway network. This would be to such an extent that the residual impact upon it would be severe. This is, in turn, likely to lead to an unacceptably unsafe highway environment for users in my view.
14. Whilst the appellants do not wish to increase staff numbers, and this has influenced the response of the highway authority, this is not a situation that I can be sure would not change, particularly in the event that a new business takes over the site at some point. I also note that the Community Safety Officer issued no objection to the planning application. However, this has little influence within my assessment, as no reasons are given for that conclusion.
15. Consequently, I conclude on this issue that the proposal would not make adequate provision for onsite parking, with reference to highway safety and the highway network. It would conflict with the relevant aims of Policies TA2 and TA3 of the TLP and the Framework.

Living conditions – Rock House

16. Rock House is on land above and immediately to the north west of the site. This means that its outside amenity space and the windows within its south east elevation back onto the site at first floor level. The common boundary, when viewed from Rock House, comprises a low wall and bare trellis fence with some reed screening, which easily allows sunlight to penetrate the property.
17. Its linked kitchen/utility room contains three glazed openings, two of which face south east. The scale and position of the first-floor extension is likely to significantly reduce levels of sunlight received into this space, particularly during the morning. The principal outside patio and sitting/dining area serving Rock House is directly aside the common boundary. For similar reasons, the extension would likely diminish sunlight received to this area. There would also be a significant loss of outlook to residents lounged within it.
18. Accordingly, I conclude on this issue that the proposal would have an unacceptable effect on the living conditions of the occupants of Rock House, with reference to sunlight and outlook. It would conflict with the residential amenity aims of Policy DE3 of the TLP and the Framework.

Other Matters

19. The site is within a Landscape Connectivity Zone for Greater Horseshoe Bats which forms part of the South Hams Special Area of Conservation (the SAC). The ecological evidence which accompanies the appeal demonstrates that there is no greater horseshoe bat habitat that would be within influence of the proposed development. It follows that I can ascertain at the screening stage that likely significant effects on the integrity of the SAC can be ruled out.
20. The site falls within the setting of the Grade II listed buildings which comprise the historic stead at Edginswell Farm. This places a duty upon me to consider the effect of the proposal on the setting of these listed buildings. The significance of their settings derives from the retained areas of farming landscape around them. However, the historic farmstead has also come to be partly subsumed into the more modern ribbon development along the lane.

21. The proposed development, which would simply intensify the built form at an established commercial site, in a design akin to a typical two storey dwelling, would not cause harm to the settings of these heritage assets.

Planning Balance

22. The scheme would allow for the investment in and expansion of a business, with the potential for increased employment. These are economic benefits which weigh moderately in the scheme's favour. Whilst I am cognisant of the constraints imposed upon businesses by the coronavirus pandemic, it is not certain that these constraints will be permanent. As such, this matter is of modest weight in my assessment. Aesthetic improvements to the appearance of the office are a small benefit as the existing building is quite innocuous.
23. These considerations do not serve to justify the significant harm that would arise as a result of the inadequate parking provision at the site nor the effects on the living conditions of the occupants of Rock house. Consequently, there are no other considerations before me, including the Framework, which outweigh the conflict with the development plan in this case.

Conclusion

24. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR