
Appeal Decision

Site visit made on 5 January 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/X1165/W/21/3281102

18 Upton Hill, Torquay TQ1 3EW

- 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 Ian Coulter against the decision of Torbay Council.
 - The application Ref P/2021/0712, dated 26 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is conversion of ground floor to form flat (including external alterations).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. Insofar as it is relevant to this appeal, I have taken the Framework into account in reaching my decision.

Main Issue

3. The main issues in respect of this appeal are:
 - The effect of the proposal on highway safety, with regards to the adequacy of parking provision.
 - Whether the proposed development would regenerate or lead to the improvement of social, economic or environmental conditions in the Community Investment Area.

Reasons

Parking Provision

4. Policy TA3 and Appendix F of the Torbay Local Plan 2012-2030 adopted December 2015 (LP) sets out the minimum parking requirements for developments, requiring one parking space for a flat. The appeal proposal does not contain any provision for the parking of vehicles on the site and as such, is contrary to the minimum requirement set out in the policy and accompanying appendix.
5. The appellant refers to paragraph 108 of the Framework which requires justification to be provided for maximum parking standards, but this is not applicable to the appeal proposal as the relevant policies set out by the Council refer to minimum standards.

6. During my site visit, I found that there were double yellow lines on Upton Hill, outside the appeal site, and residents parking on St James Road. Parking was available on surrounding roads such as Forest Road, but I noted that space here was limited even during the day, with the pressure for parking likely to increase in the evenings. This could lead to congestion as drivers seek a parking space and could result in potential conflict within the community. Therefore, it would not be appropriate to permit further development without satisfactory parking provision.
7. Policy TH9 of the Torquay Neighbourhood Plan to 2030, adopted June 2019 (TNP) states that all housing developments must meet the guideline parking requirements contained in the LP unless it can be shown that there is not likely to be an increase in on-street parking arising from the development. The appellant refers to the proximity of the site to bus stops, the bus station, cycle paths and the provision of cycle storage on site. I agree that this would enable occupiers of the appeal property to access shops and other services on foot, by bicycle and by public transport. However, it would not prevent an occupier of the appeal property from owning a car and wishing to park it close to the property and this is acknowledged by the appellant, who has provided information on alternative parking options including use of a public car park and residents permits.
8. A nearby public car park where annual permits can be purchased from the Council is a three minute walk from the property. However, there are instances where this distance is likely to be a deterrent such as when the occupier returns from a trip to the supermarket in the rain. A residents parking permit would offer parking closer to the appeal site, but there is no guarantee that a permit would be forthcoming. I am not satisfied that either of these offer a suitable alternative to the on-site provision required by Policy TA3 and Appendix F of the LP.
9. The appellant advances an argument that the previous use of the premises as a photography studio would attract a greater number of vehicular movements than a single flat and therefore a greater requirement for on-street parking in the area. However, the use ceased in 2005 and I understand the premises have been used for domestic storage purposes since. I have not been presented with sufficient or convincing evidence to satisfy me that the use of the premises as a photography studio is its lawful use and as such, I can only apply limited weight to this argument.
10. My attention has been drawn to two appeal decisions¹ in close proximity to the site. In both cases, the Inspector found that the lack of parking would have an adverse impact on highway safety, with the Inspector in relation to the appeal at 18 Upton Hill² noting, as I have, that there are limited opportunities for on-street parking in the roads surrounding the appeal site.
11. Therefore, I find that the options for parking advanced by the appellant are not sufficient to deviate from the policy requirement for parking and as such, the proposal is contrary to Policy TA2, TA3 and DE3 of the LP and Policy TH9 of the TNP which require, in summary, an appropriate level of car parking spaces in all new development in the interests of highway safety and to ensure that parking will not add to potential conflict within the community.

¹ Ref: APP/X1165/W/19/3243249 (22 Upton Hill) and APP/X1165/W/19/3227577 (18 Upton Hill)

² Ref: APP/X1165/W/19/3227577

Community Investment Area

12. The appeal property consists of a mid-terraced property in a largely residential area. The ground floor of the property is currently vacant and there is a separate access from the street to the first floor flat, known as 18A Upton Hill.
13. The appeal site lies within a designated Community Investment Area, where Policy SS11 of the LP seeks to close the gap between the most and least disadvantaged neighbourhoods by giving support to proposals which would lead to the improvement of social, economic or environmental conditions in Torbay. In this respect, the policy seeks to retain small to medium sized homes of two to four bedrooms and resist their change of use to small self-contained flats.
14. However, 18 Upton Hill has previously been subdivided with 18A occupying the first floor of the building and the appeal proposal relating to the ground floor of the building only. In this respect, I do not find that the proposal will constitute the change of use of a small or medium sized home to a flat.
15. The submitted plans indicate that areas would be set aside on the site for bin and bicycle storage and the accommodation within the flat would comply with the nationally described space standards for internal floorspace. It would also have well in excess of 10 square metres of garden and outdoor amenity space as required by Policy THW4 of the TNP.
16. As such I find that the proposal complies with Policy THW4 of the TNP and Policy DE3 of the LP, together with paragraph 130 of the Framework which requires that developments provide a good standard of amenity for future residents in terms of privacy, useable amenity space, satisfactory provision for bicycles and the storage of containers for waste and recycling and adequate internal living space.
17. However, given my findings in respect of the first main issue, I cannot conclude that overall the proposal would regenerate or lead to the improvement of the social, economic or environmental conditions in the Community Investment Area given that the lack of satisfactory parking provision could lead to congestion and potential conflict within the community. I therefore find that the proposal would be contrary to Policy SS11 of the LP in this respect.

Planning Balance

18. The Council has advised that it cannot demonstrate a five year housing land supply. Paragraph 11 of the Framework states that where the development plan is out of date, including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the benefits of the Framework taken as a whole.
19. There is no information about the scale of the shortfall in housing supply. Whilst paragraph 60 of the Framework seeks to significantly boost the supply of housing, the provision of one additional unit would make little meaningful difference. When judged against some of the core planning principles, the proposal would perform well in that it would provide satisfactory living conditions for future occupiers, be located in an urban area with reasonable access to services and facilities and the external alterations proposed including the reinstatement of the front garden wall would enhance the street scene.

20. However, I have identified that a lack of satisfactory parking provision could result in congestion and potential conflict within the community and as such would not improve the social, economic or environmental conditions in the area. When assessed against the benefits of the Framework taken as a whole, I conclude that the adverse impacts of the appeal proposal significantly and demonstrably outweigh the benefits. As a result, I find that the appeal proposal is not a sustainable form of development and the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR