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# Appeal Decision

Site visit made on 1 February 2022

**by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 February 2022**

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**Appeal Ref: APP/X1165/W/21/3282916**

**47 Tamar Avenue, Torquay TQ2 7LW.**

- 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 M Arscott against the decision of Torbay Council.
  - The application Ref P/2021/0014, dated 21 December 2020, was refused by notice dated 22 April 2021.
  - The development proposed is the formation of new dwelling & extended road access.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the surrounding area; and,
  - Whether the proposed development would provide adequate parking provision.

## Reasons

### *Character and Appearance*

3. Policy DE1 of the Torbay Local Plan (December 2015) (the Local Plan) concerns design and provides that development should be well-designed, respecting and enhancing Torbay's special qualities and further specifies the design considerations proposed development should comply with in respect of function, visual appeal and quality of public space. Amongst other matters, Policy TH8 of The Torquay Neighbourhood Plan (June 2019) (the Neighbourhood Plan) provides that development must reflect the identity of its surroundings.
4. The appeal site is located within a residential area which is predominantly characterised by pairs of semi-detached dwellings which are consistent in terms of appearance, set back from the highway behind well proportioned sized front gardens and generous spacing between pairs of properties. Properties on the southern side of Tamar Avenue are positioned elevated above the level of the highway, with those dwellings located on the northern side of the road being sited at, or just below, road level.
5. Whilst noting that Tamar Avenue predominately comprises semi-detached dwellings, there is an example of a terrace arrangement of three dwellings

close to the appeal site and located on the northern side of the highway. The appeal scheme would replicate that arrangement, with the proposed new dwelling forming the end of the terrace. In terms of design, notwithstanding that the roof height would be stepped down from its neighbour, I find that the proposed dwelling would retain the generous spacing between properties and, in my view, would not be significantly harmful to the prevailing character of this residential area.

6. Nonetheless, the proposal would not reflect its neighbours in terms of height and would replace the front garden area at the host dwelling with hardstanding for car parking spaces. Whilst I note that the Appellants maintain that planting would be introduced to the frontage of the proposed and host dwellings, there is only very limited information regarding any specific soft landscaping, and it would appear from the plans provided that space for any such planting would be extremely limited. In this respect, the green garden spaces to the front of dwellings form an important and positive contribution to the character of this area and to the street scene. The removal of this amenity area and its replacement with hardstanding spanning almost the full width of the plot would disrupt the consistent pattern of development and, in my view, would be harmful to the street scene and the character and appearance of the area.
7. The Appellants have referred me to other development within Tamar Avenue where the front garden space had been removed and the full width of the plot had been given over to hardstanding for on-site vehicle parking. In this respect, this parking arrangement was not a common feature within the street scene and, in any event, the example provided by the Appellants served to confirm that such arrangements are harmful to the established character and appearance of the area. Consequently, I do not consider that the example provided by the Appellants should justify the further erosion of the character of the street scene that would arise from the appeal proposal. Whilst there are examples of double width on-site parking spaces at properties on the southern side of Tamar Avenue, these arrangements also provided well proportioned garden areas which separated parking spaces from the respective host dwellings and, therefore, are not comparable to the appeal scheme.
8. For the above reasons, I find that the appeal scheme would be harmful to the character and appearance of the surrounding area. The appeal proposal would therefore be contrary to the provisions of Policy DE1 of the Local Plan and would conflict with Policy TH8 of the Neighbourhood Plan.

#### *Parking Arrangements*

9. Amongst other things, Policy TH9 of the Neighbourhood Plan requires that housing developments meet the Local Plan guideline parking requirements unless it can be shown that there is not likely to be an increase in on-street parking arising from the development, or that the development is within the town centre and an easy walk of a public car park available to residents. This Policy further provides that new housing must be assessed for its impact on parking requirements and proposals shall identify suitable and appropriate parking arrangements so that parking will not add to the potential for antisocial behaviour or conflict within the community.
10. Policy TA3 of the Local Plan refers specifically to parking requirements and confirms that new development must make appropriate provision for parking spaces as set out in Appendix F of the Local Plan, which expects two car

parking spaces to be provided per dwelling unit. This Policy further provides that the loss of on-street or public parking provision will be a material consideration in planning applications, with additional weight being given to loss of provision in those areas where there is congestion and/or heavy use of public or on-street spaces.

11. There is unrestricted on-street parking along Tamar Avenue which limits sections of the road to a single carriageway width where vehicles are parked on one side of the road. At the date of my visit, there was only very limited parking available within the area close to the site. While observations made on my visit represented only a snap-shot in time, I have no reason to believe that the situation would be untypical at other dates or times.
12. The appeal scheme would provide two spaces to the front of the proposed new dwelling, as well as providing two off-street spaces for the host dwelling. However, whilst I note that the Appellants maintain that the distance from the front boundary to the bay window at the host dwelling is 6.9 metres, the plans submitted in support of the planning application show parking spaces at an angle to the highway and, consequently, it is not clear whether there would be sufficient space for the required number of parking spaces and which would provide sufficient room for residents or visitors to access the front door of the host dwelling.
13. Furthermore, by reason of the angle to the highway, use of the proposed spaces would be likely to result in adjusting movements of a vehicle made on the highway, when entering or exiting the property. This would conflict with the provisions of Policy TA3 of the Local Plan and would fail to accord with the guidance contained within the Highway Design Guide for New Developments as referred to me by the main parties.
14. Further to the above, whilst I acknowledge the Appellant's submissions, by widening the existing access onto the highway, there would be a reduction in the amount of on-street parking spaces available within Tamar Avenue. Whilst I note that the Appellants maintain that on-street parking would shift to the other side of the carriageway, given the limited number of on-street parking spaces within Tamar Avenue, it is likely that any available space would be already in use by residents or members of the wider community. Consequently, the appeal scheme would be likely to cause the loss of flexible, on-street parking that would be able to be used by the wider community.
15. For the above reasons, the appeal proposal would conflict with Policy TA3 of the Local Plan and would thereby fail to accord with the provisions and aims of Policy TH9 of the Neighbourhood Plan which, together and amongst other things, requires an appropriate provision of car parking spaces in all new development and that parking will not add to potential conflict within the community.

### **Other Matters**

16. Interested parties raise additional objections to the proposal on the grounds of impact on the living conditions of nearby residents. These are important matters and I have considered all the submissions before me. However, given my findings in relation to the main issues above, these are not matters that has been critical to my overall decision.

17. I note the Appellants' frustrations with the Council's communication and the way in which it handled the application with regards to timescale. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.

### **Planning Balance and Conclusion**

18. The evidence before me confirms that the Council is currently unable to demonstrate a five year housing land supply. Paragraph 11(d) of the National Planning Policy Framework (the Framework) provides that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, 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 policies in the Framework taken as a whole.
19. The appeal scheme would boost the supply of open market housing in the area. However, the contribution towards housing supply made by the appeal scheme would not be substantial. There would be some economic benefits associated with the development of the site in terms of employment opportunities during the construction phase and through future occupants spend within local businesses, although again such benefits would be limited by reason of the scale of proposed development. Whilst I note the Appellants' contention that the appeal scheme would provide an affordable dwelling, it is apparent from the submissions that the proposal would not accord with the definition of Affordable Housing as provided for in the Glossary to the Framework.
20. Whilst acknowledging the above benefits of the appeal scheme, I find that the adverse impacts of granting permission identified with regards to the proposed parking arrangements on highway safety and on the living conditions of nearby residents, and the identified harm found in relation to the character and appearance of the surrounding area, would significantly and demonstrably outweigh the limited benefits arising from the proposal.
21. For the reasons given above I conclude that the appeal should be dismissed.

*Mr A Spencer-Peet*

INSPECTOR