



Appeal Decision

Site visit made on 29 March 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022.

Appeal Ref: APP/X1165/W/21/3288383

Land on corner of Edginswell Close and Edginswell Lane, Torquay TQ2 7JA

- 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 Kevin Sommers of JK Somers, against the decision of Torbay Council.
 - The application Ref P/2021/0522, dated 30 April 2021, was refused by notice dated 19 October 2021.
 - The development proposed is to provide a new residential dwelling on the land at Edginswell Lane, Torquay.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Kevin Sommers of JK Somers against Torbay Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the address in the banner above from the Council's Decision Notice, which more clearly describes the site than the application form.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on highway safety

Reasons

Character and Appearance of the Area

5. The appeal site consists of steeply sloping land at the corner of Edginswell Close and Edginswell Road, currently heavily screened with vegetation. The area has a spacious, low-density and semi-rural appearance, which forms a gateway into Edginswell Village. This provides a contrast with urban features nearby including Edginswell Business Park opposite and the A380 South Devon Expressway.
6. Residential properties in Edginswell Close have variety in their form and design and consist of detached dwellings set in large plots, and with a generally

consistent building line. On nearby parts of Edginswell Lane and Collaton Road, properties have a loose knit form, adding to a semi-rural appearance, including from the dense vegetation which screens the properties that face Berkeley Avenue. I also saw the dwellings further along Edginswell Road that were referred to in the appellant's Design and Access Statement, but this part of the village has a more built-up character than that around the appeal site and is therefore read in a different context.

7. A previous appeal decision¹ at the site has been referred to me by both parties. The current proposal differs from that scheme, including by having a different design, being re-sited further back and with its primary elevation re-orientated to face Edginswell Lane rather than Edginswell Close. I have taken this previous decision into account but have reached my own conclusions on the proposal before me.
8. I accept that the proposed dwelling's height would be lower than others nearby, including those in Edginswell Close and nearby Ivy Cottage. The proposal would also be screened to some extent by the site's topography and is said to exceed local garden and space standards.
9. However, notwithstanding the variety of property types in the immediate area, and the differences from the previous scheme, the proposed dwelling's position would project some way forward beyond the building line of properties in Edginswell Close, including Tamaroa. The dwelling's plot size would be noticeably smaller than others locally, meaning that its scale and massing would appear relatively cramped and incongruous in the street scene. Furthermore, by cutting into the bank and vegetation, the development would harm the contribution that the appeal site makes to the area's semi-rural appearance.
10. As a result, when seen from nearby roads, the proposal's siting and plot size, together with its built-form coverage, means that it would appear uncharacteristically dense, harmful and out of place. As such, it would not form an appropriate 'bookend' to Edginswell Close, as suggested by the appellant.
11. I recognise that a condition could be imposed requiring landscaping. However, because of the proposed walls and pathway, the space available for this on the site's frontage would likely restrict its extent and success. In any case such screening cannot be relied upon, particularly in winter months when foliage is reduced, and nor can its survival in the long term be guaranteed. Even with landscaping, the dwelling is likely to remain readily apparent in the street scene and would not therefore overcome the harm I identify.
12. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. As such it would be contrary to Development Plan Policy DE1 of the Torbay Local Plan 2012-2030 (TLP), adopted 2015, and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030 (NP), adopted 2019. These policies require development to integrate with and reflect the identity of its context and surroundings, as does the National Planning Policy Framework (the Framework).

¹ Reference APP/X1165/W/19/3233829

Highway Safety

13. During my afternoon site visit, I found that a few parking spaces were available in nearby streets. I recognise however that this represents only a snapshot in time, and I also saw that parking restrictions were in force on many roads locally, including Edginswell Lane and Orchard Way. This indicates to me that there is pressure on parking availability in the area.
14. TLP Policy TA2 requires that the transport needs of the development are satisfied and Policy TA3 and Appendix F set out the Council's adopted guideline parking requirements. These state that new dwellings should have a minimum of two parking spaces within the site, which the scheme would provide, formed using retaining walls cut into the bank. The requirements specify that a parking space should measure 2.4m by 4.8m, and the proposed parking spaces would exceed these dimensions.
15. However, the guidelines also make clear that where parking spaces are accessed directly from the highway, as here, they should measure 3.2m by 5.5m. Appendix F advises that these wider dimensions are necessary to prevent any overhang or obstruction to the highway. The Council also refers to the retaining walls as restricting the use of the spaces, necessitating a greater width to allow for door opening and to avoid damage. The proposed spaces would not achieve these larger proportions, which in my view would prevent their full use by occupiers.
16. I recognise that the Highway Authority raised no objection to the proposal on parking grounds, and I give this significant weight. However, in my judgement, the constrained nature of the spaces and the resultant conflict with the Council's adopted parking guidelines is significant. I also note that no highway safety reason for refusal was given on the earlier application², but in that case a larger parking area was proposed which was said to comply with the Council's requirements.
17. By not providing spaces of sufficient size for two vehicles to park side-by-side, occupants may well park elsewhere, resulting in additional pressure to on-street parking, risking interruption to traffic flow and inconvenience to highway users. I therefore conclude that the proposal would cause harm to highway safety. As such, the proposal would conflict with Policies TA2 and TA3 of the TLP, and policy TH9 of the NP, which require that parking is provided in accordance with the Council's guidelines, and the similar advice in the Framework.

Other Matters

18. The Council accepts that it cannot currently demonstrate a five-year housing land supply. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
19. The proposal would make a positive contribution to the supply of housing in an area near to local services and public transport links, and its future occupants

² LPA reference P/2019/0338

would make a positive social and economic contribution. I also recognise additional positive benefits including in respect of biodiversity enhancements. However, due to the proposal being for only a single dwelling, such benefits would be very limited.

20. Given the harm that I have identified to the character and appearance of the area and highway safety, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

21. For the reasons given above, having regard to the Development Plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

O Marigold

INSPECTOR