

Appeal Decision

Site visit made on 8 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2ND September 2022

Appeal Ref: APP/X1165/D/22/3300714

13 Green Park Road, Paignton TQ3 1AH

- 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 Graham Thursfield against the decision of Torbay Council.
 - The application, Ref. P/2022/0195, dated 24 February 2022, was refused by notice dated 25 March 2022.
 - The development proposed is a fence and additional parking area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scenes of Green Park Road and Manaton Tor Road.

Reasons

3. I saw on my visit that the appeal dwelling is located within an estate development with design characteristics including predominantly low profile frontage elevations and front gardens of a modest depth. These frontages have limited enclosures so as to facilitate an open plan development complementary to its hillside location, with longer distance views along the roads and between the dwellings.
 4. The appeal dwelling is on a corner plot and is therefore particularly prominent, with to all intents and purposes two principal elevations. Its position opposite Oke Tor Close further increases the open aspect in this part of the street scene.
 5. The original application plans run counter to this open and informal character and appearance. The proposed fence would be along the pavement boundary with a return section to the building and as such comprise a visually obtrusive and formal barrier noticeably out of keeping with its surroundings.
I acknowledge that unlike some other corner plots No. 13 does not have a private side or rear garden area, but this disadvantage would have been readily apparent at the time of the appellant's purchase of the property.
 6. I have noted the revised scheme with the lower fence and a re-positioned return to the bungalow. This is an improvement on the original proposal, but in my view insufficient to overcome the harm that would be caused by the proposed development.
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7. An important part of the appellant's case is the reference to frontage enclosures at other dwellings in the vicinity. These are clearly departures from the original concept of an open plan design, but I do not consider they assist the argument for a grant of planning permission.
8. Firstly, they are not present in such numbers as to change the predominant character of the area, whilst in some instances they clearly illustrate the harm that can be caused by inappropriate enclosures out of context with the grain and pattern of development. Furthermore, to allow development on an incremental basis because of precedents would inevitably result in a cumulative effect that would undermine the basic design tenet of the original development of these roads.
9. I have had regard to all other matters raised but overall I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the street scenes of Green Park Road and Manaton Tor Road. This would conflict with Policy DE1 of the Torbay Local Plan 2012-2030; Policy PNP 1(c) of the Paignton Neighbourhood Plan 2012-2030, and with Government policy in Section 12: 'Achieving Well-Designed Places' in the National Planning Policy Framework 2021.
10. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR