
Appeal Decision

Site visit made on 27 October 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2022.

Appeal Ref: APP/P1133/D/22/3304571

64 Ley Lane, Devon, Kingsteignton TQ12 3JF

- 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 D Bennett against the decision of Teignbridge District Council.
 - The application Ref 22/00929/HOU, dated 10 May 2022, was refused by notice dated 5 July 2022.
 - The development proposed is construction of an off street parking space.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of an off street parking space at 64 Ley Lane, Devon, Kingsteignton TQ12 3JF in accordance with the terms of the application, Ref 22/00929/HOU, dated 10 May 2022, and the plans submitted with it, subject to conditions in the attached schedule.

Procedural Matter

2. The original description of development has been subject to a minor amendment and now reflects the Council's wording within their decision notice, which is sufficient to cover the acts of development requiring planning permission under the proposal.

Main Issues

3. The main issues are the effect of the proposal on;
 - (a) Highway safety; and
 - (b) The character and appearance of the area.

Reasons

Highway Safety

4. The site is located at 64 Ley Lane, with a narrow pedestrian footpath on the site's side of the street and where the predominance of on street parking activity takes place. It is clear from evidence and my site visit that there is also a proliferation of off street parking along this side of the street. There is no evidence¹ that the existing parking and access arrangements² along the street have caused material highway safety issues with pedestrians or other vehicles.

¹ through accident data or otherwise.

² many of which also lack facilities for turning and require movements between parked cars

5. The proposal would create an off street parking space and be consistent with the existing parking arrangements along this side of the street and the Council has not provided evidence demonstrating that the proposal fails to comply with technical standards relating to visibility or other things.
6. Consequently, it is a matter of judgement based on the existing context. Given that the proposal is consistent in this regard, in conjunction with the lack of evidence that existing access and parking arrangements are inherently unsafe, I cannot conclude that it would be harmful.
7. There is no evidence of pressure for significant amounts of similar development in the locality that might result in cumulative harmful change to highway safety. As such, I have given the matter of precedent limited weight in my assessment.
8. Overall, the proposal would not conflict with Policies S1 and S9 of the Teignbridge Local Plan 2014, which among other things requires proposals have an acceptable impact in relation to road safety.

Character and Appearance

9. Whilst there are boundary walls retained at the frontage of some terraced properties along the site's side of the street, it is clear from evidence and from my site visit that there is a proliferation of open frontages. As such, I cannot conclude that the existing context predominantly consists of closed frontages, or that removing the boundary wall under the proposal would be altogether harmful and out of keeping with the character and appearance of the area.
10. The proposal is limited and would not result in the complete erosion of boundary walls at the frontage of the street. Furthermore, there is no evidence of pressure for significant amounts of similar development in the locality that might result in cumulative harmful change to the character and appearance of the area. As such, I have given the matter of precedent limited weight in my assessment.
11. Overall, the proposal would not harm the character and appearance of the area and would not conflict with Policies S1, S2 and WE8 of the Teignbridge Local Plan 2014. Among other things, these policies seek to ensure that development will integrate with, and, where possible, enhance the character of the adjoining built environment.

Other Matters

12. Whilst I have given due regard to the Public Sector Equality Duty under Section 149 of the Equality Act 2010, my conclusions on the main issues mean it has not been necessary to make a definitive finding on the potential accessibility benefits associated with the proposal. This is because any such a finding would have no bearing on the outcome of the appeal.

Conditions

13. The appellant raised no objection to the conditions suggested by the Council. However, I have found that the condition requiring a means of access to the front door is not necessary in light of the main issues. This is because the condition is predicated on securing accessibility benefits to mitigate harm, however no harm was found in my assessment.

14. All conditions in the attached schedule have been considered against the National Planning Policy Framework and Planning Practice Guidance and are deemed necessary to make the proposal acceptable in planning terms.
15. Standard conditions setting out time limits for commencement and securing compliance with the approved plans are necessary to provide certainty. A condition securing a permeable tarmac finish is necessary in the interests of mitigating potential harmful effects of surface water runoff.

Conclusion

16. For the reasons given, the appeal is allowed and planning permission granted.

Liam Page

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:
 - a. KST/0015/22-4;
 - b. KST/0015/22-2; and
 - c. KST/0015/22/5.
3. The parking area shall be finished with permeable tarmac (as shown on the proposed site layout plan) over a subbase designed to allow for infiltration of surface water. Following its installation, the surface shall be maintained in perpetuity in accordance with the maintenance recommendations set by the manufacturer.

End of Schedule