



Appeal Decision

Site visit made on 21 March 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/P1133/D/23/3314992

9 Paradise Road, Teignmouth, Devon, TQ14 8NR

- 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 Connor against the decision of Teignbridge District Council.
 - The application Ref 22/01557/HOU, dated 11 August 2022, was refused by notice dated 11 November 2022.
 - The development proposed is the construction of an off-road parking bay.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an off-road parking bay at 9 Paradise Road, Teignmouth, Devon, TQ14 8NR in accordance with the terms of the application, Ref 22/01557/HOU, dated 11 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos TM/0008/22/1, TM/0008/22/3 and TM/0017/22-2.

Main Issues

2. The main issues are the effect of the proposal on: -
 - The character and appearance of the area;
 - Highway safety; and
 - Flood risk.

Reasons

3. The appeal property is a detached dwelling set high above the levels of the highway along Paradise Road and behind a reasonably deep garden frontage which is retained by a boundary stone wall approximately 2m high immediately abutting the road's surface. Paradise Road is a fairly narrow residential street with a footpath to one side only and with unrestricted on-street parking. The proposal would involve the creation of a permeable level surface shown on the plans to be 7m wide and 5m deep that would be flush with the levels of the highway to accommodate two off-street parking spaces perpendicular to the road. The area would be open fronted and enclosed on three sides by a new,

red sandstone faced retaining wall with existing steps leading down from the property re-routed into the proposed new parking area rather than directly onto the road's surface.

Character and Appearance

4. I saw during my visit that front boundaries to properties along this particular part of Paradise Road are inconsistent and irregular. They comprise a mix ranging from stone walls similar to that at No 9 to garage doors set immediately abutting the road at Nos 5 and 7, low walls of mixed materials largely on the opposite side of the appeal site, and some with open hard surfaced parking spaces including to the side of No 11 (Tamarisk) which neighbours the appeal site and where the two-storey property stands virtually at the back edge of the highway. There is no rhythm to the pattern of development at this point or any dependence upon the specific retention of the stone wall at No 9 in its existing position, which in my assessment contributes to the appearance of the street scene in only a piecemeal way. Neither have I been presented with any policy or adopted guidance to support the Council's assertion that they specifically wish to seek retention of front boundary features in general.
5. The proposal would undeniably change the frontage appearance of No 9. But change does not necessarily equate to harm. The new parking area would be enclosed with new, red sandstone faced retaining walls that would add to the existing mix of features in their own way. The visual presence of cars parked on the site would merely reflect the existing circumstances where parked cars, either on or off-street, already tend to dominate along this part of Paradise Road. As such, I am not persuaded that the changes proposed would result in highway requirements unacceptably dominating the site's appearance and function in a manner that would be out of keeping.
6. The Council considers that the timber fencing proposed on top of the retaining wall would appear overbearing in the street scene. I disagree. The fencing would be deeply recessed from the public domain and would be residential in scale and function. Moreover, development to this side of the road, due to the topography of the area, already looms over the lower levels of the highway to varying degrees. The fence would only be seen against the more imposing backdrop of the existing dwelling and would not appear visually harmful.
7. Overall, I am satisfied that the proposal would maintain the mixed character and appearance of the street scene. As such it would meet the sustainable development criteria of Policy S1 of the Teignbridge Local Plan 2013-2033 (May 2014) (TLP) and display the design quality required by TLP Policy S2 to enable it to successfully integrate with the character of the adjoining built environment.

Highway Safety

8. Within the immediate proximity of the appeal site, and on the same side of the road with no footpath, where the properties' frontages directly adjoin the highway, I saw eight individual vehicular points of access. There is access to two driveways and two garages on the approach to the appeal site from the south at Nos 1-7 (odd). There is also a parking space perpendicular to the road adjacent to the appeal property at Tamarisk, with a further garage on the opposite side of that property set very close to the road. Each point of access

is different in terms of its form but I saw none with sight lines that would be considered to reflect current standards. Some similar, but less frequent, arrangements exist on the opposite side of the road where vehicles would need to emerge between parked cars. Nevertheless, because of this environment I observed there to be, and experienced for myself, a natural traffic calming effect in the locality. Any vehicle entering or emerging from any of the numerous access points would be likely to do so cautiously and it was clear that due to existing and obvious constraints, vehicles travelling along Paradise Road do so generally at low speed.

9. I accept that Paradise Road is narrow and heavily parked, but in terms of traffic flow, I have no evidence to support the Council's assertion that it is particularly busy. During my weekday morning visit for a period of around 20 minutes at approximately 8.30am, a time of the day when traffic flows are frequently at their peak, I experienced very few vehicle movements. I have not received, and neither have I found, any evidence to demonstrate that Paradise Road is used as a rat run. Instead, I got the distinct impression from my own observations that it serves predominantly as access for local residents. With this in mind, I consider it likely that the majority of those using vehicles on the road would be aware of the highway environment and the likelihood of cars emerging from numerous properties where their visibility would be impeded to some degree.
10. Additionally, pedestrians would be extremely unlikely to be walking past the proposed parking spaces on this side of the road due to the absence of footpath. Indeed, I observed numerous groups of school aged children walking along Paradise Road during my visit, all occupying the pavement on the side of the road opposite the appeal site.
11. Despite the road conditions, there is no evidence before me, either anecdotal or substantive, of danger, perceived or actual, on the highway along Paradise Road. I find little difference between the position and operation of the access to the proposed parking spaces and many others immediately adjoining and near to the appeal site. When all is considered, given the established highway environment that prevails I find that, although the proposal would add to the mix of access points to Paradise Road, it would not contribute any increased risk to existing levels of road safety. In this regard it would satisfy the sustainable development criteria of TLP Policy S1 and the design quality required by TLP Policy S2 for creating a safe environment. For these same reasons I am satisfied that there would be no conflict with the National Planning Policy Framework's objectives for promoting sustainable transport, which the Council refers to in their officer's report in relation to this particular issue.

Flood Risk

12. The Council has argued that because there are no details of a sustainable drainage system as part of the proposal there would be conflict with TLP Policy EN4, which deals with flood risk.
13. The Council accepts that the site is not within a flood zone or a Critical Drainage Area. As the proposal is a minor development not within flood zones 2 or 3, the first part of Policy EN4 is not relevant. For the same reason the policy's criteria a) to g) are not relevant. These include a requirement for use of sustainable drainage systems where ground conditions are appropriate.

There is no evidence to suggest that the proposal would pollute the water environment. There would therefore be no conflict with Policy EN4. In these circumstances, and based on the information presented to me, I am unable to conclude that there would be any increased risk of flooding as a result of the proposal.

Other Matters

14. The Council has referred to other examples in Teignmouth where planning permission has been refused and subsequent appeals dismissed for apparently similar schemes. However, I have been provided with no detailed information relating to these that would demonstrate that they are directly comparable with the current appeal in terms of location or context. Neither do I know what evidence was considered by each of the Inspectors in those cases. These do not alter my findings at 9 Paradise Road, the planning merits of which I have considered on an individual basis.

Conditions

15. In addition to the standard time limit condition the Council has suggested a condition that would require the development to be carried out in accordance with the submitted plans. This is necessary to provide certainty. No other conditions have been suggested by the Council.

Conclusions

16. For the reasons given, I find that there would be no harm to the character or appearance of the area. I also find that there would be no increased risk to existing levels of road safety or to flooding. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR