



Appeal Decision

Site visit made on 17 August 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/X1165/W/23/3316502

5 Polperro Close, Paignton TQ3 3FQ

- 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 Mrs Louise Sparkes against the decision of Torbay Council.
 - The application Ref P/2022/0516, dated 5 October 2022, was refused by notice dated 9 January 2023.
 - The development proposed is timber cabin in rear garden of dwelling for use as tattoo studio.
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Decision

1. The appeal is allowed and planning permission is granted for timber cabin in rear garden of dwelling for use as tattoo studio at 5 Polperro Close, Paignton, TQ3 3FQ in accordance with the terms of the application, Ref P/2022/0516, dated 5 October 2022, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Preliminary Matters

2. The application form states that the works/change of use was completed in May 2022 and at the time of my visit I observed that the building works described above have already been carried out. There is however no evidence that the use has already commenced and I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on (i) the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and (ii) highway safety and with particular regard to parking.

Reasons

Noise

4. The studio is largely screened from public and neighbouring vantage points with access gained to it either by a side entrance gate or through the host property. Although the development may see a steady stream of customers near the small back gardens of neighbouring properties, the studio is itself very small. The application form states that one employee would use the 6.5sqm space and the appellant submits that the use would serve 1 client a day. From the evidence before me, it is therefore likely that given the nature of the development, any generated noise associated with the comings and goings of

customers would be negligible. Despite no specified opening hours, the development is sufficiently enclosed within the private space of the host property to ensure its use would not have an overbearing effect on the amenities of neighbouring occupiers.

5. For the above reasons, I conclude that the development would not cause unacceptable harm to the living conditions of neighbouring occupiers, with particular regard to noise. As such, it would not conflict with Policy DE3 of the Torbay Local Plan 2012 to 2030 (LP) which, amongst other things, supports developments that provide a good level of amenity for occupiers in respect of the effects of noise or nuisance.

Parking

6. The appeal site includes 2 dedicated residential parking spaces which are required to serve the host property, though on-street parking is provided in front of it away from a nearby turning head. At the time of my lunchtime visit, the host property's parking spaces were occupied. However, the appeal site is within an urban area on the periphery of a town, but a short distance from it. In that context, I observed there was a nearby bus stop and numerous, unrestricted on-street parking spaces available close to the appeal site.
7. Although my observations only represent a snapshot in time, recognising there will be busier periods, such as when occupiers return from work or school trips, I find that the appeal site is within an area where customers would be unlikely to be wholly reliant on private cars to access it. Therefore, although the development could require up to 2 parking spaces in addition to those provided at the host property, the appeal site is sustainably located where access to a range of transport modes and on-street parking is readily available.
8. Accordingly, the limited parking demand generated by the proposed development would not lead to any significant demand for parking in the area which could not be safely met by existing on street parking provision. Consequently, no additional off-road parking spaces would be required for appropriate car parking provision to be maintained and in the absence of any substantive evidence to the contrary, I find the scheme accords with the parking and highway safety aims of Appendix F of the LP.
9. For the above reasons, I conclude that the scheme would not cause harm to highway safety and with particular regard to parking. As such, there would be no conflict with policies DE3 or TA3 of the LP, which, together in this respect promote developments that include an appropriate amount of vehicular parking.

Conditions

10. I have imposed the standard time limit condition in the interests of clarity.

Conclusion

11. For the reasons given I conclude the appeal should succeed.

J Hills

INSPECTOR