



Appeal Decision

Site visit made on 5 September 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/X1165/D/23/3324124

2 Leyburn Grove, Paignton, Torbay TQ4 5JH

- 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 Raymond Whitbread against the decision of Torbay Council.
 - The application Ref P/2023/0260, dated 22 March 2023, was refused by notice dated 4 May 2023.
 - The development is the formation of off-road parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parking space has been constructed. However, in order to conform with the approved plans, part of the previous terraced rockery area would need to be re-instated and planting boxes installed. The development is therefore part retrospective.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located in a predominantly residential area. Due to the topography of the surroundings, many of the homes nearby are set back slightly above street level with sloping rockery style gardens to the front. These front garden spaces add greenery to the street scene and make a positive contribution to the character and appearance of the area.
5. No. 2 Leyburn Grove is situated in a reasonably prominent location, close to the junction with Penwill Way. A large proportion of the terraced rockery has been removed and a fairly wide parking area has been constructed. At present, the tall rendered walls are stark and obvious and the parking area appears as an incongruous and unattractive feature in the street scene.
6. The proposal before me would reduce the width of the parking area by re-introducing part of the sloping garden terrace, while planting boxes with trailing foliage would be installed at the top of the front facing wall. While that would soften the visual impact of the parking area to some degree, the tall vertical walls would still be a visually dominant feature in the street scene and would continue to look quite jarring and out of keeping when compared to the attractive sloping garden that was there previously. Therefore, even when

completed, the harm caused to the character and appearance of the area would be clear.

7. Other off-road parking spaces have been constructed nearby. However, this has largely occurred where dwellings do not have substantially raised gardens, meaning that the installation of high vertical walls has not been necessary. Those developments are therefore not comparable to the scheme before me.
8. I therefore conclude that the development conflicts with Policy DE1 of the Torbay Local Plan 2012 to 2030 which, in part, requires development to be well designed and to take account of local character.

Other Matters

9. While I acknowledge that the provision of an off-road parking space would be beneficial to the occupiers of No. 2 and their neighbours, this does not overcome the clear harm that I have identified.

Conclusion

10. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR