



Appeal Decision

Site visit made on 5 December 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.12.2023

Appeal Ref: APP/P1133/W/23/3324530

**Existing garage block, R/O 2-14 Audley Rise, Newton Abbot, Devon
TQ12 4JW**

- 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 Richard Barr against the decision of Teignbridge District Council.
 - The application Ref 23/00726/FUL, dated 24 April 2023, was refused by notice dated 9 June 2023.
 - The development proposed was originally described as "proposed additional garage plus store area to end of existing garage block. (existing garage block to R/O No's 2-14 Audley Rise). Free-resubmission of appl.No.22/01155/FUL."
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Decision

1. The appeal is allowed and planning permission is granted for garage and store area at R/O 2-14, Audley Rise, Newton Abbot, Devon TQ12 4JW in accordance with the terms of the application, Ref 23/00726/FUL, dated 24 April 2023, 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 received by the Council on the 25th of April 2023: Block/Site Plan; 22/15/01; 22/15/03A and 22/15/04A.
 - 3) The garage hereby permitted shall be used for the purposes of car parking or domestic storage use only and it shall not be used for any industrial or commercial purpose.
 - 4) The building hereby approved shall not be brought into use until the street lighting column/lamp post shown on drawing 22/15/01 has been relocated and recommissioned in accordance with details which shall first be submitted to and approved in writing by the local planning authority.

Applications for costs

2. An application for costs is made by Mr Richard Barr against Teignbridge District Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have used a different description in the formal decision from that on the application form to remove words that are not acts of development. This reflects the Council's decision notice and is also based on similar wording in the appellant's appeal form.

Main Issue

4. The main issue is the effect of the proposed development on highway safety with particular regard to visibility and parking pressures.

Reasons

5. The appeal site comprises a wedge of grass verge adjoining a garage block, adjacent to a footpath and a row of properties with their associated private gardens. It fronts onto a narrow access road with no pavement serving a small number of properties in a cul-de-sac, which tend to have garages very close to the road's edge. Given the close knit arrangement of the street layout and the numerous frontage garages, it is likely that road speeds in the immediate surrounding area would be slow.
6. The building would not be set back from the highway to the extent where it would meet expected county wide visibility standards. However, the proposed garage entrance would nevertheless achieve a similar set back to that of the adjoining garage and other garages in this road. In that context, I have been provided with no substantive evidence to demonstrate how the manoeuvrability of larger vehicles such as bin/recycling trucks, or HGVs would be compromised by the development. Therefore, all road users would be likely to be prepared for slow moving vehicles manoeuvring in and out of garages fronting the highway. Even if pedestrians with prams chose to cut across the road the appeal building would front, rather than use the nearby footpath to access shops, the garage and store would be positioned at a bend in the road. At this point, I observed visibility of likely oncoming traffic or other road users to be clear and unobstructed. For these reasons, the development would provide satisfactory visibility for drivers of emerging vehicles and all other road users.
7. The proposal would result in an increased use of the site and the loss of an on-street parking space in front of the proposed garage entrance, though a space roadside of the store and gravelled area that is not proposed for parking would be maintained. Even if these spaces were not available, at the time of my afternoon visit, I was able to park near to the appeal site without difficulty and observed that there were numerous additional unrestricted on-street parking spaces. Although my observations only represent a snapshot in time, recognising there will be busier periods, reflected in the 3rd party submitted photographs and such as when occupants return from work or school trips, the loss of on-street parking would be likely to have a negligible effect on parking pressure in the immediate and surrounding area.
8. For the above reasons, I conclude that the scheme would not cause harm to highways safety with particular regard to visibility and parking pressures. As such, there would be no conflict with policies S1 or S2 of the Teignbridge Local Plan 2013 – 2033, May 2014, which, amongst other things, seek to promote safe and accessible spaces and that allow for a permeability and ease of movement within the site and with adjacent areas.

Other Matters

9. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as: the effects of the proposed development on the character and appearance of the area, the living conditions of neighbouring occupants or their visitors with particular regard to

light, air and outlook, biodiversity, construction disturbances, surface water drainage, noise and inaccuracies in the site description. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

10. I have paid regard to the neighbouring occupant's concerns in respect of the intended use of the building. However, it is noted that the scheme does not propose a business or employment use in the application form. However, in order to clearly define the permission, it would be reasonably necessary to restrict the use of the building using an appropriately worded condition.
11. Concerns raised in respect of the potential loss of a street lamp on the appeal site are duly noted and it is accepted that this would need to be relocated using an appropriately worded condition.
12. Given the proposal would be attached to an existing row of garages using a small remaining wedge of land, it is unlikely that any precedent would be set for other similar developments within the immediate or surrounding area. In any case, I have assessed the scheme on its individual merits based on the evidence before me and my own observations.
13. Additionally, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be material considerations. Similarly, a change of view is not regarded as a planning consideration and therefore these raised matters have not been determinative to the outcome of the appeal.

Conditions

14. I have imposed the standard time limit condition in the interests of clarity. A condition is required to define the use of the building in the interests of the living conditions of neighbouring occupants. A condition requiring the relocation of a street light is necessary in the interests of highway safety.
15. I have made some amendments to the Council's suggested conditions in the interests of clarity and to ensure compliance with the National Planning Policy Framework.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR