

Appeal Decision

Site visit made on 13 February 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27.02.2024

Appeal Ref: APP/X1165/D/23/3328033

129 Blatchcombe Road, Paignton, Devon, TQ3 2JR

- 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 Kerris Massotti against the decision of Torbay Council.
 - The application Ref P/2023/0549, dated 23 June 2023, was refused by notice dated 10 August 2023.
 - The development is the formation of off-road parking space with dropped kerb; enclosing of existing porch canopy with re-configured entrance steps.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of off-road parking space with dropped kerb; enclosing of existing porch canopy with re-configured entrance steps at 129 Blatchcombe Road, Paignton, Devon, TQ3 2JR in accordance with the terms of the application Ref P/2023/0549, dated 23 June 2023, subject to the conditions set out in the attached Schedule to this decision.

Preliminary matters

2. Work on the project commenced last year but ceased. The appellant, in effect, wishes to complete the works in accordance with the submitted plans. I shall proceed on this basis.

Main Issue

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

Reasons

4. Blatchcombe Road is relatively lengthy and fairly steep. Travelling uphill from its junction with Southfield Road I saw that the dwellings on the right hand side of the road were generally level with the carriageway. The former front gardens of most of the dwellings on this side were used for car parking.
5. On the other side of Blatchcombe Road, for most of its length to its junction with Marldon Road (B30360), dwellings were generally elevated above the carriageway. Most dwellings on this side of the road had retained their front gardens. Nevertheless, I saw that several parking spaces had been formed at the front of houses, and in one or two cases, garages had been erected in front gardens.

6. A car parking space has been formed at the appeal site but the development as a whole is incomplete. The Council says in the officer report that the '*entire front garden has been removed.*' but I saw that was not the case. A small area of lawn would remain between the car space and the dwelling's front elevation, and a narrow strip would be retained to the side, for planting.
7. A similar car space has been formed next door. The Council says that this did not receive planning permission, and '*is considered to be a poor addition to the street scene*'. However, it appears to have been in place since 2009 and there is no evidence before me that the Council contemplated enforcement action. The next-door car space has therefore become an established element in the street scene.
8. The Council says that the car parking space would be a '*stark, sterile development*' being '*of significant detriment to the character and appearance of the street scene*' setting '*an unwanted precedent*'. However, as already described, the street displays many examples of similar development on both sides of the road. What has taken place is not therefore uncharacteristic of the street scene. With appropriate mitigation the development, in my view, would not look out of place in its visual context.
9. I find the other works, including the porch and steps, to be unobjectionable.
10. I therefore conclude that the development, when complete, would not harm the character and appearance of the surrounding area. Accordingly, no conflict arises with those provisions of policies DE1 and DE5 of the Torbay Local Plan or policy PNP1 of the Paignton Neighbourhood Plan directed to ensuring that development should be well designed to be in keeping with their surroundings, having no adverse effects on local character.

Conditions

11. In the interests of visual amenity, I shall impose the Council's suggested condition in respect of external materials. It is also necessary, in the interests of certainty, that the development shall be completed in accordance with the approved plans.
12. I shall impose an additional condition, in the interests of amenity, since I find the landscaping scheme proposed to be unimaginative and impractical, and would not provide the required degree of mitigation.

Other matters

13. I have noted the references to other development plan policies but those to which I have referred are considered the most relevant having regard to the particular circumstances of the case. I have also taken account of the references to the *National Planning Policy Framework*.
14. All other matters raised in the representations have been considered but none outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1). The development hereby permitted shall be completed in accordance with the following approved plans: 1811-23-001; 002; 005; 006; 010A (excluding landscaping) & 011.
- 2). The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.
- 3). Within 3 months of the date of this permission a scheme of landscaping shall be submitted to the local planning authority for its written approval. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.