

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/23/3332929
2 Logan Road, Paignton, Devon, TQ3 2AZ

- 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 & Mrs Graham Shaw against the decision of Torbay Council.
 - The application Ref P/2023/0569, dated 23 June 2023, was refused by notice dated 5 September 2023.
 - The development proposed is extensions/alterations on the ground floor and the formation of a parking space.
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Decision

1. The appeal in respect of the proposed formation of a car parking space is dismissed. However, the other element of the appeal is allowed, and planning permission is granted for extensions/alterations on the ground floor at 2 Logan Road, Paignton, Devon, TQ3 2AZ in accordance with the terms of the application Ref P/2023/0569, dated 23 June 2023, subject to the conditions set out in the attached Schedule to this decision.

Preliminary matter

2. The development proposals comprise two elements. The Council has no objection to the first, the proposed ground floor extensions and alterations, and I have no reason to disagree with the Council's assessment on this aspect of the appeal. Accordingly, the second element, proposed car space remains to be considered.

Main Issue

3. The main issue is the effect of the operation of the proposed parking space on highway safety.

Reasons

4. The appeal property, a semi-detached dwelling, is sited at the junction of Logan Road with Lower Polsham Road. The former is a quiet residential cul-de-sac, whilst the latter is a through road. The proposal would be sited in the space between the proposed new side extension and the boundary wall fronting Lower Polsham Road. It would be set almost parallel to the through road.
5. The applicant has provided illustrations purporting to showing lateral visibilities and tracking for users of the proposed car park in a bid to show that the car space could be safely used. These do not convince me that the car space could be always used safely, particularly if drivers were to enter the car space in forward gear, which is a matter outside planning control.

6. The use of the space would require potentially awkward and dangerous manoeuvres to be carried out directly on a junction. This would occur whether entering or leaving the space in forward or reverse gear since driver visibility either way would be poor because of the orientation of the car space in relation to the through road.
7. The appellant says that Lower Polsham Road is 'quiet', but that is a matter of opinion. I saw sufficient traffic movements to convince me that it carried a reasonable amount of traffic for a suburban area, which would likely increase during the summer when there were a greater number of tourists around.
8. I conclude that the use of the proposed car space, having regard to its design, orientation and position, would put highway and pedestrian safety at risk. Accordingly, a conflict arises with those provisions of policy TA2 of the Torbay Local Plan requiring new accesses from the highway network to be to a safe standard.

Overall conclusions

9. I have no objection to the proposed extensions and alterations, but for the reasons set out above, I do not consider that the car space proposal should proceed. However, the two elements of the appeal are separable, and I therefore find that I can issue a split decision.

Conditions

10. In respect of the part of the appeal which is allowed I shall impose the Council's suggested condition in respect of external materials.
11. It is also necessary, in the interests of certainty, that the development shall be carried out in accordance with the approved plans.

Other matters

12. 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*.
13. I have taken account of the other examples of car space development considered similar by the appellant, but since I do not have the full details of the background to those cases, they carry little weight. I also note the efforts made in the design to avoid damage to the garden tree. During my visit I saw that a car was parked in the space between the appellant's existing garage and the road. Although I noted that the drive was narrow, the car was parked clear of the footway. Although the Council comments on some of the effects of constructing the car parking space on the setting of the Polsham Conservation Area, this does not form part of their reason for refusal.
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 begin not later than three years from the date of this decision.
- 2). The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 202325/1 & 202325/5.
- 3). The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.