

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: 28th February 2024

Appeal Ref: APP/X1165/D/23/3324171

56 Coombe Lane, Torquay, TQ2 8EA

- 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 Tony Reynolds against the decision of Torbay Council.
 - The application Ref P/2023/0009, dated 4 January 2023, was refused by notice dated 25 April 2023.
 - The development proposed is the creation of two off-road parking spaces.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The address is referred to as Coombe Lane or Combe Lane in different plans and documents associated with the appeal. I have adopted the former given its usage on OS plans.

Main Issues

3. The main issues are the effect of the development on: (a) the character and appearance of the surrounding area, and (b) highway & pedestrian safety.

Reasons

Character and appearance

4. Coombe Lane in the vicinity of the appeal site is a narrow carriageway without footways. It is developed on one frontage, and views are obtained to the east across the roofs of houses set at a lower level. To the north-east of the appeal site is a terrace of dwellings, slightly elevated above the road. The appeal property is a detached dwelling set well above road level on elevated, sloping land, with extensive garden areas to the front and sides.
5. The intention is to build the car spaces virtually next to the terrace, at a point where the appellant gains entry to his property through a pedestrian entrance gate. I noted that the hedge in evidence generally along the road frontage does not extend to where the car spaces are proposed. The stone comprised in the wall to be demolished to make way for the spaces would be re-used in the resultant retaining structure of the car park, and additional planting is proposed.
6. To my mind, although a significant amount of excavation and building would be required to form the spaces and the replacement pedestrian steps, I am

reasonably confident that the operation could be carried out without harming visual amenity. Compared with the garden's extensive area, the space required for the parking structure would be relatively modest, so most of the elevated garden would remain unaffected. At the low level proposed, the development would have minimal impact and would not cause harm.

7. I therefore conclude that the development would sit acceptably in its visual context without harming the character and appearance of its surroundings. Accordingly, no conflict arises with those provisions of policies DE1 and DE5 of the Torbay Local Plan directed to ensuring that development should be well designed to be in keeping with their surroundings, having no adverse effects on local character.

Highway safety

8. All parties, including local residents, have highlighted the parking difficulties experienced in this part of Coombe Lane, which is exacerbated by the arrival of parents in their cars picking up or dropping off their children at the local school. My visit took place on a winter's morning during school hours, and I did not therefore see this activity. Nevertheless, the incidence of on-street parking in the vicinity of the appeal site was relatively high when I visited, and I can therefore understand the reasons why the appellant would wish to park his vehicles off the road.
9. However, the scheme's design is such that little or no allowance has been made for what I would regard as a realistic and acceptable level of lateral visibilities¹ to be available to drivers emerging from either of the proposed car spaces. That is assuming that drivers would reverse into the spaces in the first instance, which could not be controlled or guaranteed. Moreover, parked vehicles on either side of the spaces would further curtail available visibility.
10. In circumstances where the lane is narrow and tortuous, with no footway, and where pedestrian activity, including that generated by children, is common, the operation of the car spaces, to my mind, would prove hazardous because of inadequate visibilities. Whilst the level of vehicular movements may not be high, local highway conditions are such that the potential for conflict and consequent danger is only too apparent.
11. I therefore conclude that the operation of the car parking spaces would put the safety of pedestrians and other users of the highway at undue 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.

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*.

¹ As set out in national standards contained in Manual for Streets.

13. I saw the other accesses pointed out by the appellant formed a short distance along the lane to the south. However, the full planning background of these cases is not before me, and I give this little weight in my deliberations
14. All other matters raised in the representations have been considered but none outweigh those considerations that led me to my conclusions on each of the main issues.

Overall conclusions.

15. I find in favour of the appellant on the first main issue – that of the impact of the proposal on local character. However, I find against him on the second issue. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR