

# Appeal Decision

Site visit made on 10 April 2024

**by D Cramond** BSc MRTPI

**an Inspector appointed by the Secretary of State**

**Decision date: 09 May 2024**

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**Appeal Ref: APP/X1165/W/23/3332835**

**Land opposite 13 Alpine Road, Torquay, TQ1 1RE**

- 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 Steve Bryan against the decision of Torbay Council.
  - The application Ref P/2023/0171, dated 30 March 2023, was refused by notice dated 2 October 2023.
  - The development proposed is the construction of a detached house with parking.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on:
  - a) the character and appearance of the locality;
  - b) amenity for future occupiers, neighbours and the local community;
  - c) highway safety; and
  - d) parking convenience and availability.

## Reasons

3. The appeal is an area of open, largely scrub, land broadly triangular in shape which lies at the end of Alpine Road, a residential street elevated in the wider context and with primarily terraced houses in this vicinity. On the site's south east side at an appreciably lower level is a lane, Stentford Hill Road. The area is of established character and generally pleasing appearance. The proposal is as described above and would be two storeys, 3 bedroomed with parking shown for 3 cars. Part of the garden would be level behind retaining walls where needed with the southernmost corner sloping to the lane.

### *a) Character and appearance*

4. In my opinion any proposed dwelling has to take account of the size, shape, topography and surrounds of its site. Regrettably I consider that the scheme before me represents a proposal which fails to do this to a sufficient degree. I am not convinced that the scheme should overly take design cues from the unremarkable, arguably slightly monolithic, Alpine Court alongside. The approach in the appeal scheme is too 'standard' with its rectangular block of two storeys sitting atop a relatively small irregular area of land which relies on retaining walls; the house would appear as awkward and ungainly overdevelopment. The street scene to Alpine Road would be mundane with the parking and frontage set out as planned. I am also particularly concerned
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about the frontage to Stentford Hill Road. This is an attractive largely 'green' narrow lane, vegetated banks run down to its edge for much of this local length. The scheme would obliterate a marked section of this greenery and slope by a retaining wall with fencing above immediately alongside the lane; the structure would be harsh and high with metres of verticality.

5. Policies DE1 of the Torbay Local Plan (LP) and Policy TH8 of the Torquay Neighbourhood Plan (NP), are relevant. Taken together, and amongst other matters, they seek to ensure that development is well designed embodying suitable scale and massing, recognising townscape character and not representing over-development or inappropriate built form. I conclude that the appeal scheme would run contrary to these policies.

*b) Amenity*

6. The Council is concerned that two of the double bedrooms would not meet Nationally Described Minimum Space Standards. However, I entirely take the Appellants point on this matter. The reality figures would be extremely close to the standard sizing and given the very usable layout and form of the bedrooms and the other parts of the planned home I feel it reasonable to allow a modest degree of flexibility. I conclude that there would not be conflict with LP Policy DE3 on this matter.
7. The loss of a disabled parking bay is the pertinent amenity issue for the neighbour(s) at No 14 Alpine Road in the eyes of the Council. However, it is shown that the site could provide for a replacement space and had this been the determining matter I could have explored this further to suitably secure this. I therefore conclude that the scheme would not necessarily run contrary to LP Policy DE3, where it seeks to protect neighbouring amenity.
8. The Council expresses the view that the scheme would cause the loss of publicly accessible green space. For my part while I recognise that there may be some occasional use of the land, I fail to see how this can be a defensible reason for refusal as the land is, seemingly, now privately owned. No evidence has been presented that there are public rights on the land. In the practical sense, the pathway alongside offers convenient routing and a vantage point to the nearby designated play area. The public might be said to visually benefit from the open area but I would not assess the upper flatter area as a significant aesthetic contribution to the area. I conclude that there would be no amenity loss to the wider community and on this front no conflict with LP Policy DE3.

*c) Highway safety*

9. There are a number of elements to this. I am content that there would be suitable land available, and planning mechanisms to hand, which would lead to satisfactory repositioning of the lamp post, children crossing warning sign and, if needed, the telegraph pole. The imposition of a pre-commencement condition for re-positioning of these structures has not been ruled out by the Council and such an approach, if planning permission was to be granted, would seem reasonable in the circumstances. On visibility generally, I sense that on the outside of a bend a satisfactory degree could be achieved but had I been

minded to progress matters further this could have been explored in more detail with or without the telegraph pole.

- 10.LP Policy TA2 is concerned with highway safety and given the foregoing I conclude that there would not be conflict with this development plan policy on this matter.

*d) Parking*

- 11.The Council is concerned about the sizing and angles of the planned on-site parking spaces. However, in terms of scale I consider they are reasonable in size for private domestic use wherein, in any event, there will always be scope for tweaking, redistributing or over-lapping of space given they would be on the level part of the site and on a somewhat flexible length of frontage and width of hard-surfaced garden. Similarly, whilst I recognise that parking advice is that parking spaces should be perpendicular to a road, I would say in this instance, with a gentle curve to the road, limited traffic flows and speeds (from my observations), and clear visibility along the kerb line for approaching traffic that the advice could reasonably be treated with some flexibility. In my opinion these spaces would be practical and operate safely.
- 12.In terms of on-road parking, I do note the Council's picture of parked cars alongside the appeal land. However, my sense from visiting the site, having seen the surrounds with their development and parking provision, and noting the evidence, is that this stretch of street on this side may serve a degree of purpose for on-street parking but need not be seen as critical. The potential relocation of the disabled bay is touched on above and if a small number of cars had no alternative but to park on this short stretch of road it would seem to me that they could safely and practically use the north side rather than this southern kerb.
- 13.LP Policy TA3 and NP Policy TH9 are pertinent on the question of private and on-street parking provision. My conclusion is that there would be no breach of these policies given the nature of this scheme and its road frontage context.

*Other matters*

- 14.I recognise that the scheme would deliver some limited economic and social benefits and would also make a small contribution to the housing land supply which is in shortfall. However, these merits would simply not outweigh the environmental impacts which are outlined above and inherent in the conflict with the relevant development plan policies. In my opinion the aesthetic flaws embodied in the proposal prevent the scheme from reasonably being classed as sustainable development.
- 15.I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the above first main issue.
- 16.I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

*Overall conclusion*

17. For the reasons given above I conclude that the proposal would not have unacceptable adverse effects on the main issues above which are identified as b), c) and d). However, the appeal scheme would unduly impinge upon the character and appearance of the locality (a)). Accordingly, the appeal is dismissed.

*D Cramond*

INSPECTOR