



Appeal Decision

Site visit made on 14 May 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/X1165/D/24/3338155

19 Elm Park, Paignton, Torbay TQ3 3QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Partridge against the decision of Torbay Council.
 - The application Ref is P/2023/1009.
 - The development is proposed single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application plan 2252-04A shows two parking spaces at the front of the property. The council's officer report refers to it as a "new parking area". It does not form part of the description of the development and I noted it was in situ when I visited the site. I am therefore proceeding on the basis that is part of the existing situation on the site and does not form part of the appeal proposals.

Main Issues

3. The main issues are:
 - whether appropriate arrangements can be made for the disposal of surface water from the site; and
 - whether the proposed development makes suitable provision for the parking of vehicles including its effect on the local highway network.

Reasons

Disposal of surface water

4. The flood risk assessment (FRA) submitted with the planning application proposes to discharge surface water from the development at a controlled rate to a combined sewer to be approved by the relevant water company, South West Water. However, it commented on the application that discharging to a public combined sewerage network was not an acceptable method of disposal and alternative surface water run off options should have been considered in accordance with a defined "Run Off Destination Hierarchy".
5. This approach is supported by policy PNP(i) of the Paignton Neighbourhood Plan 2012-2030 (PNP). This encourages Sustainable Urban Drainage systems which keep surface water out of the combined sewer network at source. Paragraph

6.51 of the PNP refers to a 2014 Sewer Capacity Assessment which concluded that the outlying sewer network will not necessarily have sufficient spare capacity to take additional development.

6. Torbay Local Plan 2012 to 2030 (TLP) policy ER2 also seeks to reduce water being discharged into foul sewers through the use of sustainable urban drainage measures. Policy ER1 supports the use of sustainable drainage measures in the context of managing wider flood risk.
7. No evidence has been submitted by the appellant to substantiate the proposed surface water discharge method contained in the FRA. Nor has any evidence been submitted to justify why a more sustainable drainage solution cannot be provided in accordance with the development plan objectives. Whilst the proposal is for a relatively small extension, it is apparent from the relevant development plan policies that the use of a combined sewer for surface water run off should only be considered once other options have been explored.
8. I have given consideration as to whether an appropriately worded condition to secure further details could be imposed if I were minded to allow the appeal. However, from the submitted evidence it is not clear whether a satisfactory drainage solution could be designed. On that basis, I have concluded that such a condition would not be reasonable.
9. In the absence of evidence to justify the approach proposed in the FRA, I therefore conclude that it has not been satisfactorily demonstrated that appropriate arrangements can be made for the disposal of surface water from the site. Hence, the development conflicts with policies ER2 and ER1 of the TLP and policy PNP(i) of the PNP which seek to promote the use of drainage solutions which reduce surface water being discharged into the sewerage network.

Effect on local highway network

10. Elm Park serves a mix of predominantly terraced and semi-detached houses together with a small convenience store. It is on a hill which rises up from Colley End Road. The other end of the road loops around again to meet Colley End Road.
11. Off street parking around the appeal site is limited with only a few houses having spaces. There are a small number of designated disabled parking spaces along the road. I noted during my visit that there were cars parked on street, many of which had done so with two wheels on the footway thereby reducing the width of the pavement available for pedestrians. The houses either side of the site both have off street parking spaces albeit of different layouts.
12. The site has a short, sloping drive up to the highway. It is currently restricted in width by a ramp leading to a door into the bungalow but is sufficient to provide parking for a single vehicle. In addition, there is a separate parking space parallel to the road with a dropped kerb running the length of the site's frontage. The property therefore currently has 2 off street parking spaces, one at right angles to the other.
13. The proposed kitchen side extension would infill the space between an existing utility room and the front of the bungalow, thereby shortening the length of the driveway and the space available for parking on it. TLP policy TA3 requires that extensions to houses must not result in the net loss of parking provision to

below the standards set out in Appendix F to the policy. For dwelling houses, the requirement is 2 car parking spaces per dwelling unit. For domestic extensions, the requirement is 1 space per 2 bedrooms. The proposed extension is for a study and bathroom. No additional bedrooms are being created so the parking standard for domestic extensions does not apply. The parking standard in the TLP therefore requires two spaces.

14. The council's Highways Standing Advice (HSA) provides guidance on the design of parking spaces. Whilst not part of the development plan, the HSA guidance is a material consideration. It is however generic advice issued by the council and not site specific. The HSA advises that parking spaces should be at least 5.5m long where the parking area is between the back of the pavement and the front of the building. In this case, the appellant has submitted photographs showing a van parked on the drive to demonstrate that the retained space would be sufficient to park a vehicle in front of the extension and clear of the highway. In the absence of evidence to the contrary, this demonstrates that adequate parking could be provided in front of the extension.
15. Together with the second, more recently created parking space, the level of parking on the site would therefore meet the policy TA3 parking standard for a dwelling. The council has suggested that the new space should not be considered as a parking area as it does not comply with the relevant design advice. However, the space already exists and is in use. I therefore consider it reasonable to take it into account. By providing off-street parking, the requirement for on street parking to serve the site could reduce, along with any associated restriction of the carriageway or footway.
16. Accordingly, I conclude that the proposed development would make suitable provision for the parking of vehicles and would not have a harmful effect on the local highway network. Hence, the proposal would not conflict with TLP policies TA2 and TA3 regarding the requirements for parking.

Conclusion

17. Despite my findings in relation to the effect of the proposal on the local highway network, the proposed drainage arrangements would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

R Kent

INSPECTOR