



Appeal Decision

Site visit made on 15 August 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/X1165/D/24/3344162

63 Smallcombe Road, Paignton, Torbay, TQ3 3TJ

- 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 Mst C Sabor against the decision of Torbay Council.
 - The application Ref is P/2023/0835.
 - The development proposed is the conversion of garage, and erection of a rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage, and erection of a rear extension at 63 Smallcombe Road, Paignton, Torbay, TQ3 3TJ in accordance with the terms of the application, Ref P/2023/0835, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Drg Nos TQ/0039/23/5 Location Plan 1:1250, TQ/0039/23/5 Site Plan 1:500, PGN/0039/23/1, PGN/0039/23/2, PGN/0039/23/3, PGN/0039/23/4 and PGN/0039/23/5.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall be carried out in accordance with the biodiversity enhancement recommendations of the Ecological Assessment report dated 6 November 2023 prepared by Devon Ecology, and the biodiversity enhancement measures shall thereafter be retained.

Main Issue

2. The main issue is whether the proposal would result in a net loss of parking provision having specific regard to the Council's car parking requirements for dwelling houses.

Reasons

3. The appeal property is a semi-detached dwelling with a side attached garage behind a driveway within a residential neighbourhood. The proposal would

convert the garage space into a ground floor bedroom with a single-storey extension to the rear to provide an en-suite bathroom.

4. The Council is satisfied that the rear extension would be acceptable. I agree. Its modest form would sit comfortable and inconspicuous within its rear garden setting. However, the Council is concerned that the proposal would result in the loss of an off-street parking space through the conversion of the garage.
5. Policy TA3 *Parking requirements* of the Torbay Local Plan 2012-2030 (the Local Plan) states, amongst other things, that extensions to houses must not result in the net loss of parking provision to below the standards set out in the Local Plan's Appendix F. When discussing the car parking requirements for dwelling houses, Appendix F states that '*garages will only be considered as parking spaces where they meet the requirements of note h) in the 'Other parking considerations' section*'. Note h) states that garages will only be counted as parking spaces where they are large enough to both accommodate cars and make provision for general storage. It gives the minimum single garage internal dimensions as 6m by 3.3m.
6. The Council gives the existing garage measurements as 5.12m by 2.58m. This falls way below the minimum size for the existing garage to be considered as a parking space as defined by the Local Plan. Regardless of the condition that was imposed on the planning permission for the property back in 1984 which I am told required the garages to be kept permanently available for motor vehicles, it is clear from the Council's own definition that the proposal would not result in the loss of an off-street parking space. In the absence of any net loss of parking provision, there would be no conflict with Policy TA3. Neither have I been able to identify any conflict with the National Planning Policy Framework's objectives for promoting sustainable transport.
7. The Council's officer's report suggests that in the absence of any side access to the rear of the property, the proposal would result in bicycles being brought through the dwelling and potentially bins being left outside the frontage, leading to a blight in the street scene. I have been presented with no evidence to suggest that the first scenario could not be an option. During my visit I saw many bins stored to the front of many other properties. This would not be unusual. Furthermore, were the garage somehow to be used for the parking of a motor vehicle, there would be little, if any scope to move either bicycles or bins through it to the rear of the property. Moreover, I have not been directed to any development plan conflict relating to bicycle or bin storage.

Conditions

8. A condition specifying the relevant plans is necessary as this provides certainty. In order to safeguard the character and appearance of the area a condition is required to ensure that the development is finished in materials to match the existing dwelling.
9. Local Plan Policy NC1 requires that all development should positively incorporate and promote biodiversity features. The planning application was accompanied by an Ecological Assessment (EA) which recommended some biodiversity enhancement through the installation of bird boxes on the property's side elevation. The Council's officer's report states that had the planning application been deemed acceptable; the biodiversity enhancements would have been secured by condition. I consider the proposed enhancements

to be proportionate and justified by Policy NC1. A condition is therefore necessary to ensure that the measures set out in the EA are carried out and retained.

Conclusion

10. For the reasons given, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR