



Appeal Decision

Site visit made on 3 December 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/X1165/W/24/3346839

6 Laywell Close, Brixham, Devon TQ5 0DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ron Elliott against Torbay Council.
 - The application Ref is P/2023/1074.
 - The development proposed is described as "proposed garage and hardstanding in front garden."
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Decision

1. The appeal is allowed and planning permission is granted for garage and hardstanding in front garden at 6 Laywell Close, Brixham, Devon TQ5 0DN in accordance with the terms of the application, Ref P/2023/1074, subject to the following 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 submitted drawings: Location plan: 1/1250; P-2023-1074-Site Plan; Layout Plan Scale 1/50; Proposed garage and hardstanding; Garage Scale 1/200.

Preliminary Matters

2. I have used a different description in the formal decision, as that provided in the application form and banner heading above includes superfluous wording that is not an act of development.
3. The appeal relates to a failure to determine the application within the prescribed period and the Council has highlighted its putative reasons for refusal, had it been determined. The Council's main concerns relate to the effect of the proposal on the character and appearance of the area and parking provision. The appellant has had the opportunity to comment and therefore would not be prejudiced by them forming the basis for the main issues.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) parking provision.

Reasons

Character and appearance

5. The appeal site comprises one of a pair of bungalows on sloping land at the far corner of a cul-de-sac in an urban area. There are various outbuildings of limited architectural value to the rear, side, and front of properties in the immediate surrounding area. This includes a block of garages positioned above and in front of properties downslope of the appeal site. These are set behind a wide and generous drive making them obvious features when viewed from the adjoining turning head.
6. The proposed garage would be positioned in line with the front corner of the host property within a close and proportionate distance. Due to the orientation and raised height of the host property, the garage would not appear to prominently project forward. Conversely, it would be set down at a lower level behind an existing paved entrance. Its flat roof and boxed design would not be of any notable architectural quality, though would be rendered and painted, which would be respectful to the host property. Even if other facing materials were used, its low height and very modest scale would result in a typical and unassuming outbuilding arrangement that would integrate well with its surroundings. Consequently, no additional landscaping would be required, particularly given the amount of existing frontage vegetation at the appeal site.
7. I therefore conclude on this main issue that the proposed development would not have a harmful effect on the character and appearance of the area. As such, there would be no conflict with Policy DE1 of the Torbay Local Plan (LP) or Policy BH5 of the Brixham Peninsula Neighbourhood Plan (NP). Collectively in this respect, these policies seek to ensure development is well integrated, respecting the character and appearance of the area. There would also be no conflict with paragraph 135 of the National Planning Policy Framework, which says, in part, that decisions should ensure developments function well and are sympathetic to local character, including the surrounding built environment.

Parking provision

8. The garage would be set back from the highway where access would be gained over an existing brick drive and small, new hardstanding. Safe turning and manoeuvring of vehicles within the site would consequently be achieved. In that context, the garage would not be accessed directly from the highway, where the expected minimum space sizes set out in the LP would apply. Even so, it would meet the LP's minimum length, falling marginally short of the recommended width and length set out in the Highways Standing Advice (April 2024). Despite this, it would be suitable for a range of vehicles or other incidental storage purposes.
9. Moreover, the appeal site already contains a car port with other storage areas that could be used for refuse or cycles. This means that, even with its slightly restricted size, there is already an appropriate provision. Consequently, the additional garage would have no impact on the wider road network. It would add to, rather than diminish the adequate existing provision.
10. I therefore conclude on this main issue that the proposed development would not harmfully affect parking provision. As such, there would be no conflict with LP policies TA2 or TA3, which, together in this respect, seek to provide appropriate car parking and adequate levels of accessibility to satisfy transport needs, including the safe turning or manoeuvring of vehicles.

Other Matter

11. I have paid regard to the Council's comments in respect of the level of detail provided ahead of the application being determined. However, this has no bearing on my decision, which is based on the planning merits of the development and the evidence before me.

Conditions

12. The Council has provided a list of condition subject matters that it considered should be included in any permission. I have made some omissions to ensure compliance with the Framework.
13. In addition to the standard implementation condition, it is necessary for certainty to define plans with which the development should accord.
14. The Council has referred to LP Policy ER1 and the need for a drainage condition but has not specified what might be required. South West Water note that their preference would be for surface water to discharge into the ground and set out a hierarchy of options. Importantly though, there is no outright objection to the lack of detail provided. Given the very small scale of the development, there is no compelling evidence before me that would indicate that the requirement for further details would be proportionate or indeed, necessary. Additionally, there is little evidence to demonstrate that there would be any conflict with the policy. I have therefore not included such a condition.
15. The external materials to be used are identified on the plans. Given the very small scale of the development proposed and its settled siting, it would not be reasonable or necessary to require compliance or further details in this respect.
16. As set out above, additional landscaping would not be required to make the development acceptable. Consequently, I have not imposed such a condition.

Conclusion

17. For the reasons given, the appeal is allowed.

J Hills

INSPECTOR