



Appeal Decision

Site visit made on 27 May 2025

by **Martin Andrews MA(Planning) Bsc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/X1165/D/25/3362444

39 Nightingale Close, Torquay TQ2 7ST

- 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 Michelle Collins against the decision of Torbay Council.
 - The application Ref. is P/2024/0735.
 - The development proposed is a single storey side extension to provide additional accommodation.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension to provide additional accommodation at 39 Nightingale Close, Torquay TQ2 7ST in accordance with the terms of the application, Ref. P/2024/0735. and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No Series 2466: Plan Nos. 01; 02A; 03; 04A;
 - 4) The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Assessment 'Bat and Bird Survey' with the details first submitted to and agreed in writing by the Local Planning Authority.

Main Issue

2. The main issue is the effect of the extension through the loss of the existing garage on highway safety and convenience in Nightingale Close.

Reasons

3. I saw on my visit that the detached garage for No. 39 has internal dimensions such that only small cars can be accommodated within it and then not easily when the need for the driver to get in and out of the car is taken into account. The parking of medium / larger sized vehicles would be either very difficult or impossible. In this case the appellant has a medium sized car and the garage is used for a variety of domestic storage items.

4. On this basis there would be no loss of parking from the proposed extension to the dwelling and the appellant has submitted an amended plan (Drawing No. 2446-02A) to illustrate that there would remain enough room on a slightly widened driveway to accommodate two vehicles side by side. This would still leave room for the retention of the front lawn that adjoins the front lawn of No. 37 which I consider important to maintain the visual amenity of the Close. I also observed that on-site frontage parking is already occurring on the driveways of a number of other houses in the road, including diagonally across the highway from No. 39.
5. I acknowledge the objectives of Policies TA3, DE3 and DE5 of the Torbay Local Plan 2012-2030 and that the Council considers it appropriate to apply them in this case. However, with the arrangement and situation that I have referred to in paragraph 4 above, I consider that the proposal would not be uncharacteristic of the road. Nor would it conflict with the use of the adjacent footpath or necessitate difficult manoeuvres.
6. On balance, I do not consider that the appeal proposal would result in an increase in on-street parking or that there would be an unacceptably harmful conflict with the above-mentioned policies. I am also mindful that paragraph 116 of the National Planning Policy Framework (revised December 2024) says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. In my view there would be no such effect from this proposal and overall I shall allow the appeal and grant permission.
7. In so doing, I have imposed conditions to require matching external materials to safeguard visual amenity. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. Finally, a condition requiring compliance with the Ecological Assessment will safeguard protected species and support wildlife.

Martin Andrews

INSPECTOR