



Appeal Decisions

Site visit made on 1 July 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal A Ref: APP/X1165/W/25/3358395

7 The Reeves Road, Torquay TQ2 6EQ

- 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 Ms E Phillips against Torbay Council.
 - The application Ref is P/2024/0573.
 - The development proposed is described as “proposed house and parking (all as drawings) adj 7 The Reeves Road Torquay”.
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Appeal B Ref: APP/X1165/W/25/3359330

7 The Reeves Road, Torquay TQ2 6EQ

- 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 Ms E Phillips against the decision of Torbay Council.
 - The application Ref is P/2024/0327.
 - The development proposed is described as “proposed house and parking (all as drawings) adj 7 The Reeves Road Torquay”.
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Decisions

1. Appeals A and B are dismissed.

Background and Preliminary Matters

2. Planning permission was refused for a dwelling that would be attached to the end of a terrace in an urban area, which relates to Appeal B. Following this, Appeal A is for a similar undetermined scheme that made amendments primarily to parking provision and layout. In that context, rear of garden parking shown in Appeal B is omitted in favour of an integral carport within Appeal A.
3. With the latter, the Council has highlighted its putative reasons for refusal, had it been determined. In a similar vein to Appeal B, the Council’s main concerns relate to the effect of the proposal on the character and appearance of the area, the living conditions of nearby occupiers, and highway safety. The appellant has had the opportunity to comment and would therefore not be prejudiced by them forming the basis for the main issues.
4. I have considered each proposal on its individual merits based on the evidence before me. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. The appellant has provided additional plans with Appeal B that were not before the Council when it made its decision. The plans identify visibility and driveway levels

that are matters in dispute. This additional detail does not fundamentally alter the nature of the proposal and is not substantially different from that previously submitted. The Council has had an opportunity to comment on these plans, thus any procedural unfairness has been avoided. For these reasons, I am content to accept them.

6. Additionally, the appellant has suggested other plans could be amended if the parking layout is deemed to be unacceptable. However, the appeal process should not be used to evolve a scheme. In applying the 'Holborn Principles', I have made my decision on the basis of the plans considered by the Council on which interested people's views were sought, as well as those showing visibility and driveway levels.
7. The Council has included a reason for refusal that balances the conflict it identifies with the development plan with other benefits. This is more of a concluding paragraph rather than a matter that should be added to the main issues below.

Main Issues

8. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 2, Sherwell Valley Road (No 2) with particular regard to outlook; and
 - highway safety.

Reasons

Character and appearance

9. The appeal site is not on designated land and is within a well-connected urban area where fairly steep sloped, street fronted terraces, and occasional verdant gaps are a prevailing characteristic. In fact, the block of properties associated with the appeals has generous gaps at either end it. These help to provide an open and welcoming entrance to The Reeves Road, and, in the case of the appeal site, views of the park where its tree lined backdrop can be appreciated.
10. There are examples of properties with small driveway frontages and integral carports nearby. Accordingly, such a feature would not appear out of place. Furthermore, efforts made to mirror architectural detailing on the street frontage and use of external materials weigh in favour of the proposals.
11. However, both schemes would introduce a 2-storey property at a higher level than the building they would be attached to (No 7), consuming much of the width of the existing garden. Even though their scale would be similar to No 7, the overall massing of both proposals would be notable due to the site-specific sloping topography, particularly when viewed from the access way leading to the park. This would be amplified with Appeal A given its projection downslope, beyond the existing building line to the rear of No 7. Moreover, neither scheme would be similar in scale or massing when compared with the property uphill at 9A, referred to be the appellant.
12. While the appeal site is physically capable of accommodating schemes that would meet minimum internal and external space standards, they would nevertheless

erode the positive attributes of spacing experienced around this terrace. In that context, although the benefits of close proximity to the park are acknowledged, greater than minimum sized gardens would be entirely justified here. Whilst smaller gardens have been approved elsewhere, I am not aware of their site circumstances. For the reasons given, space apportioned to these schemes would be uncharacteristically limited for this particular group of properties.

13. The close proximity of the Appeal B property to the retained garage on the side lane would leave a cluttered and cramped arrangement. Even if the garage were to be removed with Appeal A, that layout would result in an unusually complex hard surfaced arrangement amongst back gardens. For these reasons, the resulting housing layout would be somewhat unbalanced. Accordingly, neither proposal would add to the overall quality of the area as required within paragraph 135 of the National Planning Policy Framework (the Framework).
14. I therefore conclude on this main issue that the proposals would have a harmful effect on the character and appearance of the area. As such, there would be conflict with Policy DE1 of the Torbay Local Plan (LP) and TH8 of the Torquay Neighbourhood Plan (NP) which, together in this respect, support developments that are uncluttered and relate to the surrounding built environment in terms of massing, ensuring definition of space that clearly and coherently defines private and public areas.

Living conditions of No 2

15. The angle of the developments means that they would not directly face the rear elevation of No 2 and are said to be between 14 and 16m from it. Overlooking could be avoided through securing the proposed obscure glazing on the rear elevations using a planning condition.
16. Even though the appeal proposals would not be positioned closer to No 2, they would extend the overall width of built form near its rear garden space. Without necessarily raising ground levels, to account for the steep slope, the amount of under build shown on the plans would result in a significant massing of property. The cumulative block of built form would consequently loom over No 2's outdoor spaces. These effects would be slightly reduced with Appeal B scheme due to its positioning along the rear building line of No 7. However, both proposals would still have an unneighbourly enclosing effect that would erode current levels of outlook for these occupiers.
17. The existing layout achieves a certain tranquillity associated with adjoining back garden spaces. With Appeal B, although electric vehicles would be quieter than other types, having regular and unrestricted vehicular usage so close to rear elevation and garden space of No 2 would be uncomfortable. While there is little substantive evidence that noise levels would be unacceptable, this stretch of parking spaces would nevertheless be likely to diminish the relatively peaceful environment afforded to the occupiers of No 2. A high-quality living environment promoted within LP Policy H1 would not be achieved.
18. For the reasons given, I conclude on this main issue that the proposals would harmfully affect the living conditions of the occupiers of No 2 with particular regard to outlook. There would therefore be conflict with LP Policy DE3 which says in this respect that all development should have regard to outlook, designed to provide a

good level of amenity for occupiers, and should not unduly impact on neighbouring uses, particularly where this would be overbearing.

Highway safety

19. The Council says that there is heavy pressure for on-street parking spaces in the area. At the time of my late morning visit, I observed that the street was lined with parked vehicles, and it is likely there will be busier times when many residents will have returned from work. In the absence of any compelling evidence to the contrary, it is likely that parking pressures are high in the area.
20. Appeal A – Visibility of emerging vehicles from the carport area would be somewhat restricted by parked vehicles, though the access lane and adjacent frontage parking to No 9A would reduce these effects. Moreover, the proximity of the lane and other frontage parking means that drivers of vehicles would be likely to approach with caution, expecting such manoeuvres onto this residential street.
21. However, although the proposed number of off-street parking spaces accords with the LP requirements for new dwellings, the carport would be likely to result in the loss of 1 or 2 on-street parking spaces. Within an area already experiencing parking pressures, this reduction could lead to frustration for residents trying to find a space, leading to congestion.
22. I therefore conclude that Appeal A would have a harmful effect on highway safety. As such there would be conflict with LP Policy TA3 and NP Policy TH9 which, amongst other things, seek to avoid the loss of on-street parking in congested areas.
23. Appeal B - There is no dispute that Appeal B would maintain existing levels of on-street parking spaces. The Council is however concerned that insufficient information has been provided to determine whether or not the proposed parking arrangements would be useable, due to the steep gradient. While the additional plans are not particularly detailed, based on my observations, it is likely that the parking and turning could be achieved without putting unnecessary pressure on street parking in the area.
24. While visibility from the access lane onto the street would be marginally short of the preferred set back, the scheme would make use of an existing arrangement that would not be meaningfully altered by the small increase in vehicle usage.
25. For these reasons I conclude that Appeal B would not have a harmful effect on highway safety. Accordingly, there would be no conflict with LP Policy TA3 or NP Policy TH9.

Other Considerations

26. I have paid regard to the representations made in respect of the processing of the applications. However, this has no bearing on my decisions which are based on their individual merits and the evidence before me.
27. The appellant has referred to inconsistency in respect of parking provision, providing examples of permissions elsewhere. However, I am not aware of their site-specific circumstances and am not bound by decisions of the Council. I give this little weight.

28. With Appeal B, the Council is concerned that the proposed permeable driveway blocks may not be sufficient to manage surface water runoff. Even though there is limited information in this regard, there is little substantive evidence that additional soakaways would be ineffective. Moreover, had I been otherwise minded to allow this appeal, details of soakaway design for the proposed access, including cited concerns with the lane, could have been secured using a planning condition. For these reasons, there would be no conflict with LP Policy ER1 which seeks to ensure the risk of flooding is not increased elsewhere.
29. The appellant says that the proposals make use of brownfield land. However, the Framework excludes land in built-up areas such as residential gardens from its definition of previously developed or brownfield land. Even though the proposals are in an urban area as opposed to greenfield land, this would not outweigh the harm identified above.
30. It is claimed the proposals will help reduce crime or fear of it through additional surveillance. However, closing the gap towards the public park would be likely to have a less welcoming effect on the interconnectivity between spaces. This is a neutral matter.

Planning Balance and Conclusion

31. Bringing together my conclusions on the main issues, I have found that Appeal B would not have a harmful effect on highway safety. However, this would not outweigh the identified harm. Moreover, as harm has been identified in respect of all main issues with Appeal A, this means that with both schemes there would be conflict with the development plan as a whole.
32. The Council says that it has a significant shortfall in housing supply with the latest figure at 2.17 years. Paragraph 11 d) of the Framework indicates that where the required supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
33. However, paragraph 11 d) ii. says that particular regard should be had to key policies (set out in footnote 9) that make efficient use of land and secure well-designed places. The quality of development, sense of place, and high standards of amenity for existing and future users are important considerations that are set out in Framework paragraph 135, which is a key policy. The identified harm would conflict with this key policy.
34. The social benefits of housing delivery carry significant weight, and although modest in scale, a new home makes a positive contribution towards the shortfall. In its decision notice, the Council describes Appeal B as being a self-build. However, there is no mechanism before me that would secure such arrangements. There would be short-term economic benefits associated with the construction phase and more longer term benefits through consumer spending in the area. Additionally, there would be some gains in biodiversity through proposed nesting boxes. Furthermore, sustainable construction methods and EV charging points are acknowledged.
35. Even if self-build could be secured, the harm arising from the effect of the development on the character and appearance of the area, and the living conditions of existing occupiers would run contrary to the social objectives of

sustainable development. This would also be true for highways safety matters with Appeal A. Overall, these adverse impacts would significantly and demonstrably outweigh the benefits of both schemes. As such, the proposals would not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11.

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
37. I have concluded above that the proposals would conflict with the development plan, when taken as a whole. Furthermore, even when considered cumulatively, the weight given to the other considerations would not outweigh the identified harm. Accordingly, other considerations do not therefore indicate that permission should be granted contrary to the development plan. Therefore, the appeals are dismissed. As Appeal A was not determined by the Council, planning permission is refused for this scheme.

J Hills

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/X1165/W/25/3358395	Ms E Phillips
Appeal B	APP/X1165/W/25/3359330	Ms E. Phillips