
Appeal Decision

Site visit made on 31 October 2017

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2017

Appeal Ref: APP/X2220/W/17/3180332

The Outrigger, Chapel Lane, Ashley CT15 5HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Patrick Costello against the decision of Dover District Council.
 - The application Ref DOV/17/00195, dated 14 February 2017, was refused by notice dated 20 April 2017.
 - The development proposed is conversion of an existing detached garage into a habitable dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I observed that some recent alterations had been undertaken to the detached garage, including the installation of an internal first floor and some windows within the roof. However, it is unclear whether these are as a result of any recent planning permission or whether planning permission is required for such alterations. Nonetheless, for the avoidance of doubt, I have determined the appeal on the basis of the submitted plans, albeit with the benefit of an internal inspection of the detached garage.

Main issues

3. The main issues are:
 - Whether the countryside location of the proposal would be acceptable having regard to relevant planning policy;
 - Whether the proposal would provide adequate parking and if not, the effect of this on highway safety;
 - Whether the proposal would provide adequate living conditions for any future occupiers with particular regard to internal space provision, daylight and external amenity space provision;
 - The effect of the proposal on the living conditions of the existing occupiers of The Outrigger, with particular regard to external amenity space provision; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site comprises a two storey detached dwelling known as The Outrigger, part of its wider grounds and an associated detached garage building. It is located within the small settlement of Ashley. The proposal seeks to convert the detached garage into a three bedroom dwelling.
5. Policy CP1 of the Dover District Council Core Strategy 2010 (Core Strategy) defines a settlement hierarchy in the District. Ashley is not identified as a town or village within Policy CP1 of the Core Strategy and is thus a hamlet and lies within the countryside for planning policy purposes. Policy CP1 of the Core Strategy seeks to direct development to towns or villages and sets out that hamlets are not suitable for further development unless it functionally requires a rural location. Policy DM1 of the Core Strategy reflects this approach. Policy DM4 of the Core Strategy allows the re-use or conversion of buildings within defined rural settlements, such as villages, or adjacent to such, including for residential purposes.
6. There is no substantive evidence before me to indicate that the proposed dwelling would be for any purpose other than to provide open market housing. Thus, it would not functionally require a rural location and would be contrary, as a result, to Policies CP1 and DM1 of the Core Strategy. In addition, it would fail to comply with Policy DM4 of the Core Strategy on the basis that the detached garage is not within or adjacent to an identified rural settlement. I therefore consider that the countryside location of the proposal would be unacceptable.
7. I note that planning permission for the erection of a dwelling was granted on appeal¹ in respect of some land associated with The Outrigger to the south of the appeal site. Whilst I do not appear to have been provided with a copy of the appeal decision, it is my understanding of the evidence that the Council, at that time, could not demonstrate a five year housing land supply. In such a situation, having regard to the policies of the National Planning Policy Framework (the Framework), development proposals are to be considered under a different planning policy context. This was likely to be the case in that appeal. However, the Council indicates, in the appeal at hand, that it can now demonstrate a five year housing land supply and therefore the abovementioned policies of the Core Strategy carry substantial weight. The appellant has not sought to dispute this claim. I therefore have no substantive reasons to either. The circumstances of the aforementioned appeal are therefore not wholly comparable to those of the appeal I am to consider and it does not alter my findings on this main issue.

Parking and highway safety

8. Policy DM13 of the Core Strategy requires parking provision for residential development to accord with Table 1.1 of the supporting text to this policy. This table recommends that two independently accessible parking spaces should be provided for a 3 bedroom dwelling. The submitted plans show that two parking spaces would be provided for the proposed dwelling and one provided for The Outrigger. The Outrigger is a large property and is therefore likely to have

¹ Ref APP/X2220/W/16/3149704

at least three bedrooms. I have not been provided with any compelling reasons to justify a reduction in the recommended level of parking provision. Thus, the proposal would fail to comply with Policy DM13 of the Core Strategy.

9. Whilst the appellant suggests that the size of the appeal site offers more than adequate space for the required level of off-street parking, I cannot be certain of this without it being demonstrated on the submitted plans. Without adequate parking provision, it is likely that the occupiers of The Outrigger would be required to park on Chapel Lane, which I observed is a narrow lane with very few parking opportunities. This could realistically and detrimentally affect the functioning of the highway network which could lead to harm to highway safety. This matter lends weight to my decision to dismiss the appeal.
10. The Council also raises the concern that inadequate cycle parking would be provided. I note that none is shown on the submitted plans. However, it is unclear to me from the evidence what provision should be made to allow me to consider this matter any further.

Living conditions- future occupiers

11. The Council makes reference to its 'Conversion to Flats Guidelines SPG'. However, I do not appear to have been provided with a copy of this document. Nor do I have any information relating to its status. Nevertheless, the proposal is not for the conversion of the detached garage into flats. As such, this document is unlikely to be applicable to this appeal. In addition, the Council has also not provided any local planning policies in respect of internal space standards. Thus, it is my understanding that compliance with the Government's Nationally Described Space Standards 2015 is not mandatory.
12. Nonetheless, the smallest of the three bedrooms would be excessively modest in size and would have limited headroom over much of its floor area. This would result in a cramped living environment for any future occupiers of the proposal. In addition, the two roof windows that would serve the large main bedroom, given their modest size and north-western aspect, would provide little natural daylight into this room. This would provide a gloomy living environment for any future occupiers of the proposal. Thus, I conclude that the proposal would, overall, provide inadequate living conditions for any future occupiers. Whilst the appellant indicates a willingness to rearrange the proposed layout, it is the submitted plans on which I must base my decision.
13. Given the generous size of the rear garden of The Outrigger, I am satisfied that any subdivision of it could be undertaken in such a manner to provide an adequate level of useable amenity space for any future occupiers of the proposal. Had I been minded to allow the appeal for other reasons, a suitably worded planning condition could have been imposed to require precise details of how the appeal site was to be subdivided to achieve this. However, the inadequate living conditions as set out above would prevail.
14. The Council has not cited any local planning policies in respect of living conditions. However, for the reasons given, the proposal would be contrary in this regard to the aims and objectives of the Framework which seek to secure a good standard of amenity for all future occupants of land and buildings.

Living conditions- existing occupiers

15. Given the generous size of the rear garden of The Outrigger, I am satisfied that any subdivision of it could be undertaken in such a manner to allow the retention of an adequate level of useable amenity space for the occupiers of this property. Similarly to above, had I been minded to allow the appeal for other reasons, a suitably worded planning condition could have been imposed to require precise details of how the appeal site was to be subdivided to achieve this.
16. The proposal would therefore comply in this regard with the broad aims and objectives of the Framework which seek to secure a good standard of amenity for all existing occupants of land and buildings.

Character and appearance

17. The existing detached garage has been present for a number of years and therefore already forms part of the development characteristics of the area. Its conversion into a dwelling would require only minor external alterations. Moreover, though the rear garden of The Outrigger would require subdivision, it is likely that this could be achieved through the use of unobtrusive boundary treatment. In addition, and as set out above, it would be feasible to subdivide the rear garden to provide generous sized rear gardens for both The Outrigger and the proposed dwelling. In light of these factors, I consider that the proposal would not result in harm to the character and appearance of the area.
18. Policies CP1 and DM1 of the Core Strategy do not specifically refer to character and appearance. In addition, whilst Policy DM4 does, this policy is specific to the conversion of buildings within or adjacent to defined rural settlements and is thus not wholly relevant to this main issue. I therefore turn to the Framework. I consider that the proposal would comply in this regard with its broad aims and objectives which seek planning to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside.

Planning balance and conclusion

19. I have not found harm to the character and appearance of the area or to the living conditions of the occupiers of The Outrigger. However, I have found that the proposal would provide inadequate living conditions for any future occupiers and would provide inadequate parking provision with implications for highway safety. The countryside location of the proposal would also conflict with the relevant policies of the development plan. I have not been provided with any compelling evidence to demonstrate that there are any benefits that would outweigh such harm and conflict or that there are any material considerations that would lead me to conclude that the proposal should not be determined in accordance with the development plan.
20. Accordingly, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson
INSPECTOR