The Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2019

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/X1355/W/19/3225676
Yew Tree Cottage, adjacent Bracken Cottage, Bank Foot, Shincliffe DH1 2PD

- 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 and Mrs Alan Whitley against the decision of Durham County Council.
- The application Ref DM/19/00164/FPA, dated 18 January 2019, was refused by notice dated 15 March 2019.
- The development proposed is described as 'Resubmission of application DM/18/03123/FPA (refused) for change of use from Annex/Holiday Let associated with Bracken Cottage to separate independent residential dwelling with amendments to fenestration and conversion of integral garage to living room'.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's second reason for refusal makes reference to Bracken Court. It was clear from my site visit and the evidence before me from both parties, that the property in question is Beaumont Court. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are:

    - whether the development provides satisfactory living accommodation;
    - the effect of the development on the living conditions of Bracken Cottage and Beaumont Court with regard outlook and privacy; and
    - whether satisfactory parking for two separate dwellings can be accommodated.

Reasons

Living Accommodation

4. Yew Tree Cottage is used as an Annex/Holiday Let associated with Bracken Cottage opposite. The accommodation is currently arranged with a kitchen/diner, garage and WC at ground floor with a bedroom and en-suite at

first floor. The proposal is to change the use of this accommodation into a separate independent dwelling, converting the existing garage into a lounge.

5. The Technical Housing Standards – National Prescribed Space Standards (2015) (the Housing Standards) requires a minimum gross internal floor area for a 1 bedroom 2-storey dwelling of 58sqm. Any area with headroom of less than 1.5m is not counted and the appellant's calculation of the floor area correctly excludes part of the upper floor. The floor area of the dwelling would be only 54sqm and therefore falls short of the minimum requirement.

6. From what I saw on my site visit, I am satisfied that the ground floor would provide a good standard of living accommodation. Although relatively compact in size, it provides a kitchen/dining area and a separate lounge which would have a reasonable aspect particularly to the front. The first floor bedroom would, however, be very constrained. Whilst there is just sufficient space for a standard double bed, the space around the bed is restricted in height by the eaves and there is very little practical opportunity for storage of clothes, or belongings. Further, the en-suite bathroom, in part, has headroom of less than 1.8m and the bath would be practically very difficult to use.

7. Although acceptable for short periods of stay, the space and arrangement of the first floor bedroom and bathroom would not provide a satisfactory standard of living accommodation for a permanent occupier. As a consequence, I find the proposals to be contrary to saved Policy Q8 of the City of Durham Local Plan (2004) because the layout would not provide adequate amenity for the dwelling. Conflict would also arise with the Housing Standards.

Living Conditions

8. Yew Tree Cottage is located around 9m from the front elevation of Bracken Cottage. This falls well below the required distance standard of 21m set out in the explanatory text to LP Policy Q8. Although the existing patio doors on the side elevation of Yew Tree Cottage would be infilled, the ground floor kitchen window would overlook the large patio doors of the living room and the small outdoor courtyard of Bracken Cottage. The kitchen window of Yew Tree Cottage would be slightly offset from the patio doors, however, given the very close proximity there would be overlooking to an extent to cause loss of privacy to existing or future occupiers of Bracken Cottage and future occupiers of Yew Tree Cottage.

9. The appellant refers to hedge/tree planting and/or fencing between the living room of Bracken Cottage and Yew Tree Cottage to prevent overlooking at ground level, but I have no details of this before me. Further, from what I saw on my site visit, it would be difficult to achieve this without compromising the car parking proposed for Yew Tree Cottage.

10. I also recognise that obscure glazing can be a practical way of preventing overlooking. In this case, however, the kitchen area would already have fairly limited light and outlook and obscuring the window fronting Bracken Cottage would result in harm to the overall standard of living accommodation which I have already found to be lacking.

11. No 4 Beaumont Court is the nearest of the four dwellings comprising Beaumont Court, located around 16m from the front elevation of Yew Tree Cottage. There would be no window at first floor on the front elevation of Yew Tree

Cottage. Whilst both dwellings have windows at ground floor, there is a boundary fence of around 1.8m which would prevent overlooking or a loss of privacy. Although the separation distance is below the 21m set out in the explanatory text to LP Policy Q8, I am nonetheless satisfied that there is adequate space between habitable room windows to ensure no harm to living conditions.

12. The existing building is not proposed to be substantively altered, save changes to the elevations. The outlook from Bracken Cottage and Beaumont Court would not therefore be materially different. I saw that the outlook from the proposed lounge of Yew Tree Cottage would be in part over a retaining wall and embankment, but overall I find the proposed dwelling would have a reasonable outlook, particularly to the front.

13. Despite my conclusions in respect of outlook and privacy, in relation to Beaumont Court, I do find the proposal would cause harm to the living conditions of existing or future occupiers of Bracken Cottage and Yew Tree Cottage by reason of loss of privacy. They would therefore conflict with LP Policy Q8 because they would not minimise the impact upon the occupants of an existing adjacent property.

Parking

14. Two car parking spaces are proposed between Yew Tree Cottage and Bracken Cottage. A further two spaces are shown as retained for Bracken Cottage in an area annotated as 'common parking and turning area' on the Proposed Site Layout drawing.

15. The parking arrangements for both dwellings would be fairly constrained and could, at times, result in difficulties manoeuvring cars from the spaces. I am not, however, persuaded that this would result in cars being unable to leave the site in forward gear or cause such inconvenience to result in harm to living conditions. I am satisfied therefore that parking for both dwellings could be comfortably accommodated. As a consequence, there would be no conflict with LP Policy Q8 in-so-far as the parking arrangement minimises the impact upon the occupants or nearby occupants.

Other Matters

16. I acknowledge that the proposals could provide comparably affordable accommodation for a single person or a couple. Whilst a benefit of the proposal, it would not outweigh the harm I have found to the living conditions, or the unsatisfactory living accommodation for future occupiers of Yew Tree Cottage.

Conclusion

17. For the reasons above, and taking all other matters into account, I conclude the appeal should be dismissed.

R. Jones

INSPECTOR