



Appeal Decision

Site visit made on 23 November 2020

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2020

Appeal Ref: APP/P1560/W/20/3253991

49 Dorking Crescent, Clacton-on-Sea CO16 8FQ

- 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 & Mrs Ling against the decision of Tendring District Council.
 - The application Ref 20/00126/FUL, dated 29 January 2020, was refused by notice dated 28 April 2020.
 - The development proposed is use of an annexe as a self-contained holiday dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The use as a self-contained holiday dwelling has commenced and I shall treat the application as being retrospective.
3. On my visit I noted that the room which is identified on the plan as the kitchen for the host dwelling is used as a bedroom as part of the annexe.

Main Issues

4. The main issues in the appeal are:
 - i) whether or not the proposal would provide acceptable living conditions for the occupiers of the dwelling and the annexe; and
 - ii) the effect of the proposal on highway safety.

Reasons

Living Conditions

5. The appeal site includes a semi-detached house which has been extended to the side and rear. The side extension occupies the former driveway and adjoins a former garage to the rear. I understand that this was previously occupied as an annexe to the house.
6. This now forms a separate self-contained unit consisting of a living area, kitchen, two bedrooms and shower room and includes part of the ground floor accommodation of the house, and the former garage. This unit has its own front door and there is no internal access between it and the house. The rear garden of the property has been subdivided by fencing to form two separate gardens for the holiday dwelling and the house. A separate small paved patio

- area for the holiday dwelling is also fenced off from the rest of the garden to the host dwelling.
7. The layout of the holiday dwelling is such that the living area is long and narrow. The Council states that this is 8.7 metres by 2.1 metres. As well as providing the living space this provides access to the other rooms. It is lit by a pair of patio doors at one end. The kitchen is fully enclosed with no window. The rear bedroom has patio doors that open onto the back garden and the other bedroom is lit by a window.
 8. While any occupant of the former annexe could also use the facilities in the house, the proposal is for a separate self-contained dwelling. Natural light is absent from the kitchen and is restricted at one end of the living room because of its long and narrow configuration. Outlook from the living room is limited to one end of the room and is onto the small enclosed patio.
 9. I also have concern that the limited width of the living room makes this space cramped and limits its functionality. This, together with the limited natural light and outlook would not provide a sufficient quality of design. Saved Policy QL10 of the Local Plan¹ (LP) requires that development is designed to meet functional requirements. Amongst other matters, the policy requires adequate daylight and outlook. For the reasons given, the development does not accord with that policy. In coming to this view, I take into account that holiday occupation would be for limited periods. However, because the unit forms a separate dwelling, I have considered it as such.
 10. The sub-division of the rear garden has resulted in the host dwelling having a garden which the Council advises is about 33 square metres (sqm). Details of the number of bedrooms in the host property have not been provided. However, its reduced rear garden is significantly below the Council's standards of 100 sqm for three or more bedrooms or 75 sqm for two bedrooms. Because the remaining garden area would be less than half, and possibly a third of the space required by the standards, this leaves the host dwelling without an adequately sized garden. It is unlikely that the availability nearby of public open space would adequately compensate for such a significant reduction in private space. The reduction in private space and proximity of the garden to the holiday dwelling would be likely to affect the privacy of occupiers of the main dwelling. This would not accord with Policy QL10.
 11. The appellant has suggested that a condition could be imposed which allows for communal use of the garden, notwithstanding that it has been subdivided. Such a condition would not be reasonable however because occupiers would reasonably expect to have separate garden areas to provide privacy.
 12. While the LP does not include any policy in respect of housing standards, paragraph 127(f) of the National Planning Policy Framework (the Framework) which requires a high standard of amenity for existing and future users remains relevant.
 13. For these reasons I conclude on the first issue that the proposal does not provide acceptable living conditions for the occupiers of the dwelling and the annexe.

¹ Tendring District Local Plan 2007

Highway Safety

14. There is a single car parking space on the drive in front of the annexe which I understand is used by its occupiers. On this basis, there is no off-street parking provision for the house. The Council's Parking Standards require a minimum of two parking spaces for a three-bedroom dwelling. The Council states that, as a bare minimum, two off-street parking spaces are required for the annexe and the main dwelling.
15. Although the appellant states that the current tenant of the house does not own a car, tenants will change over time and it is likely that vehicles owned by them, their families and visitors will be parked on the street. The site is close to the end of a cul-de-sac, and road space is required for vehicles to turn at the end of the cul-de-sac. The curvature of the road may also limit opportunities for safe on-street parking. I saw that the adjacent houses have off-street parking facilities but any on-street parking that does occur has potential to cause obstruction. Interested parties have described parking difficulties that have occurred on the road.
16. Saved Policy QL10 of the LP requires safe and practicable access and saved Policy ER26 of the LP requires suitable access and parking arrangements. Because the development does not accord with the Council's Parking Standards and would result in on-street parking, it does not accord with those policies. For the reasons given, the proposal would be unacceptably harmful to highway safety.

Other Matters

17. The Council cannot demonstrate a five-year supply of deliverable housing sites and consequently its policies for housing provision are out-of-date. Policies ER26 and QL10 are the most important for determining the application, but those policies are not concerned with housing provision. The requirements of those policies that are relevant to this appeal are consistent with the Framework and have been carried forward in Policy SPL3 of the draft local plan.² For these reasons, Policies ER26 and QL10 are not out-of-date.
18. The proposal could be of economic benefit in terms of the expenditure locally of its occupiers, but any benefit in this regard would be limited. Such benefit would be significantly and demonstrably outweighed by the harms in terms of living conditions and highway safety that I have identified.

Conclusion

19. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

² Tendring District Local Plan 2013-2033 and Beyond