



Appeal Decision

Site visit made on 26 April 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/K1128/W/21/3285350

5 Walton Leigh, Devon Road, Salcombe, TQ8 8HQ

- 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 Mrs Sally Jenks against the decision of South Hams District Council.
 - The application Ref 2457/21/FUL, dated 17 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is the change of use of lower ground floor space into short-term holiday let and retrospective retention of small side window.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use of lower ground floor space into short-term holiday let. The appeal is allowed insofar as it relates to the retention of a small side window at 5 Walton Leigh, Devon Road, Salcombe TQ8 8HQ.

Preliminary Matters

2. The evidence before me indicates that planning permission for the demolition of a garage and erection of two storey side extension with terrace and steps, was recently granted by the Council¹. The evidence further indicates that part of the permitted extension has been converted for use as holiday let accommodation and has been in that use since May 2021.
3. The planning application, which is the subject of this appeal, also includes an application for retrospective planning permission for an additional window. As at the time of my site visit, I was able to see the additional window at the appeal building. The application has been submitted retrospectively, and consequently I have dealt with the appeal on that basis.
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Plymouth and South West Devon Joint Local Plan (March 2019) (the JLP) and the Salcombe Neighbourhood Plan (the NP).

Main Issues

5. The main issues in this appeal are:
 - Whether adequate arrangements are made for car parking provision,

¹ Local Planning Authority Reference: 1852/18/HHO

- The effect of the proposed development on the living conditions of neighbouring residents at Walton Leigh, with particular reference to noise disturbance, refuse collection and to the effect on the character of the area; and,
- The effect of the proposed development on the living conditions of future residents.

Reasons

Parking Provision

6. The appeal site comprises a dwelling which forms part of a small group of similar dwellings, located within a residential area of Salcombe.
7. Amongst other matters, Policy DEV29 of the JLP confirms that development should ensure sufficient provision of car parking in order to protect the amenity of surrounding residential areas. Policies SALC B1 and SALC T1 of the NP includes requirements that adequate provision of on-site car parking is made and that there is no further pressure for street parking within the Parish.
8. As I observed on my visit, many of the residential properties in this part of Salcombe have dedicated off-street parking spaces. A very limited number of off-street parking spaces are provided for the group of dwellings at Walton Leigh within a confined area. Whilst there is a very limited provision for short stay on-street parking within the area, parking within Devon Road close to the site was predominately restricted by double yellow lines which were present on both sides of Devon Road. At my visit which was conducted in the afternoon, the limited short stay spaces were in high demand, and I observed that, close to the site, a number of vehicles including delivery vans had parked overhanging pavements where parking was restricted by yellow lines.
9. The change of use to provide a separate unit of holiday accommodation is, in my view, likely to result in increased levels of vehicle movements to and from the site which, as noted above, is a confined space. It is likely that visitors would need to park at or close to the site in order to unload or load luggage or for reasons of convenience in accessing the tourist accommodation. Consequently, the proposed development would increase demand for parking spaces at or near to the site in an area where there is very limited supply of such spaces for residents. As such, the appeal scheme would be likely to result in increased opportunity for conflict over available parking, thereby being detrimental to the living conditions of residents located close to the site.
10. It is acknowledged that the holiday accommodation is advertised as not having parking at the site, and that the conditions of use include that only a short period of time would be allowed for loading and unloading of luggage within the off-street parking at Walton Leigh. Whilst those matters may assist in helping to ensure that the proposal would not result in further parking at the site or further on-street parking close to the site to the detriment of nearby residents' living conditions, such matters cannot be secured by planning conditions and there is no other suitable mechanism before me which enable those matters to be enforced.
11. The appeal scheme does not make any provision for car parking and, for the reasons given above, would result in harm to the living conditions of neighbouring and nearby residents as result of the likely increase in demand

for parking at or near the site. Consequently, the appeal proposal would conflict with Policies SALC B1 and SALC T1 of the NP and would fail to accord with the requirements of Policy DEV29 of the JLP.

Noise Disturbance, Refuse Collection & Character

12. Policy DEV1 of the JLP concerns protecting health and amenity and, amongst other matters, requires that development, in addition to measures set out in other policies of the JLP which in my view includes the provisions described above under the first main issue, provides satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance for both existing and future residents. Policy DEV2 of the JLP provides that development will not be permitted where it causes unacceptable risk or harm to human health, the natural environment or living conditions with regards to various forms of pollution.
13. In respect of the Council's contention that the living conditions of neighbouring residents within Walton Leigh would be adversely and unacceptably affected with regards to refuse collection, whilst the use of the site would be intensified as a result of the holiday accommodation, I do not find that the provision of single bedroom holiday let at the appeal site would result in significant increases in the level of refuse generated. Whilst I note that objections to the scheme include reference to an occasion where refuse items were not placed in the correct waste or recycling bin, such situations could equally occur in respect of the permanent residents of the appeal property. In this respect, and given that additional arrangements can and appear to have been made for collection of additional refuse at the end of the relevant letting periods, I find no conflict with Policies DEV1 or DEV2 of the JLP with regards to refuse collection.
14. In terms of noise and disturbance, I have nothing substantive before me to indicate that visitors to the proposed holiday let accommodation would be more likely to be coming and going late at night than permanent residents who occupy the appeal property at present, or that visitors would be noisy or inconsiderate of neighbouring residents. As such, and given the scale of the proposed accommodation, I do not find that the provision of a very modest holiday let would result in unacceptable living conditions for neighbouring residents with regards to noise or disturbance.
15. Further to the above, the Council's first reason for refusal given on the decision notice includes the contention that the appeal proposal would be harmful to the character of the area and refers to Policy DEV10 of the JLP in that regard. Policy DEV10 of the JLP concerns delivery of high quality housing and, amongst other things, provides that conversions of existing properties would only be permitted where the development will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity, and in the case of flats, where the accommodation is self-contained.
16. The appeal scheme would not result in a change to the external appearance of the appeal property. In combination with the above findings in respect of refuse collection and noise disturbance, I conclude that the appeal scheme would not adversely affect the character of the area.

17. For the above reasons, I conclude that the appeal proposal would not adversely affect the living conditions of neighbouring residents with regards to refuse collection, noise or disturbance, nor adversely affect the character of the area. Consequently, the scheme would comply with Policies DEV1 and DEV2 of the JLP and would accord with the provisions of criterion 7 of Policy DEV10 of the JLP.

Living Conditions Future Residents

18. Criterion 5 of Policy DEV10 of the JLP requires that new dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide a good quality of accommodation to meet the needs of the occupants with developers required to meet Nationally Described Space Standards (the NDSS), and that sufficient external amenity space should be provided.
19. It is noted that the appeal proposal does not include a separate dedicated external amenity area for the holiday let accommodation, and that the proposed accommodation would not meet the minimum internal space standards as set out in the NDSS. Nonetheless, given the type of accommodation being proposed which would be likely to be occupied only for short periods and given that holiday visitors are likely to be out exploring the area, in my view the size of the accommodation would be appropriate and would provide an acceptable standard for future visitors to that holiday let accommodation in accordance with Policy DEV10 of the JLP.

Other Matters

20. As noted above, the planning appeal also concerns the retention of a small window in the side elevation of the appeal building. The Council have put it to me that the retention of that window is acceptable, and I have no reason to disagree with the Council's assessment on that matter. Given that the retention of that window is severable from the remainder of the planning application which concerned the change of use to holiday let accommodation, I have issued a split decision.
21. The evidence indicates that the appeal site is located within the Salcombe Conservation Area (the CA) and within the South Devon Area of Outstanding Natural Beauty (the AONB). In reaching the above conclusions, I have, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. I also have had regard to paragraph 176 of the National Planning Policy Framework which requires that great weight is given to conserving and enhancing the landscape and scenic beauty of the AONB.

Conditions

22. In respect of the decision to allow the retention of the small window in the side elevation of the appeal building, given that that element has been found to be acceptable and has already been included within the design of the previously permitted extension, it is not necessary to impose any conditions in that regard.

Conclusion

23. Notwithstanding the above conclusions regarding the retention of a small side window, I have found that the appeal scheme would not be harmful in respect of the living conditions of future residents, would not be harmful to the character of the area and would not result in significant adverse effects on the living conditions of neighbouring residents with regards to refuse collection and noise disturbance. Nonetheless, the appeal scheme does not make any dedicated provision for car parking and, for the reasons given above, would result in harm to the living conditions of neighbouring and nearby residents as result of the likely increase in demand for parking at or near the site. The harm identified in that respect and the resultant conflict with the development plan policies when taken as a whole, weighs significantly against the scheme.
24. It is acknowledged that the appeal scheme would provide economic benefits in terms of future spend of visitors within the local economy and from potential additional employment opportunities in respect of, for example, contract cleaning and other services. However, in my view the weight to be attached to those benefits would only be limited and, consequently, would not outweigh the harm and resulting development plan conflict identified above.
25. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the retention of the small window in the side elevation of the appeal building, but is dismissed insofar as it relates to the change of use of lower ground floor space into short-term holiday let.

Mr A Spencer-Peet

INSPECTOR