



Appeal Decision

Site visit made on 29 March 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022.

Appeal Ref: APP/K1128/W/21/3288159

Crosse House, Mill Hill, Stoke Gabriel TQ9 6RB

- 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 T Prust against the decision of South Hams District Council.
 - The application Ref 1588/21/FUL, dated 21 April 2021, was refused by notice dated 30 July 2021.
 - The development proposed is the change of use of a private dwelling into two private homes.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether future occupiers of proposed Unit 2 would have adequate living conditions with regard to outdoor amenity space and internal living space.

Reasons

3. Policy DEV10 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP), adopted 2019, seeks high quality housing and requires proposals to have sufficient external space. To achieve this, Policy DEV10.5 of the JLP's Supplementary Planning Document (SPD), adopted 2020, sets a minimum standard of 75sqm of external space for semi-detached dwellings, such as Unit 2.
4. As proposed, Unit 2 would have an existing first floor terrace available for occupiers, together with a small rear yard. A further area, to the side of the property, is shown as providing additional outdoor space.
5. The plans indicate 'additional curtilage' to Unit 2 including a garage and store, but these areas are separated from the property by Unit 1 and its garage, limiting their practical use for recreation. Moreover, parking areas are explicitly excluded from the SPD's definition of outdoor space.
6. Across both units, the number of bedrooms would be the same as within the existing single dwelling, and the cumulative amount of outdoor space would also not change. Nevertheless, there is no dispute between the parties that the amount of outdoor space proposed to serve Unit 2's occupiers would be below the SPD's minimum standard.
7. That said, the SPD advises that other matters should also be taken into account. In terms of the number of bedrooms, Unit 2 would be a two-bed unit

and so for family accommodation with a greater need for outdoor space than a one-bed unit. In terms of proximity to local parks and public open spaces, I have been given no details of these nearby and so I cannot be certain that there is suitable alternative public space available.

8. The site is located at the densely developed and historic centre of the village. I have considered this in accordance with the SPD's guidance, and that these constraints may mean less expectation of full on-site provision of open space. However, while the terrace provides an attractive sitting out area, Unit 2's shortfall from the SPD's standard would be significant.
9. Furthermore, although directly accessible from the property, the yard and side areas of open space, because of their small size, would be cramped and constrained and so not provide good quality outdoor space for its occupiers, necessary for private recreation or children's play. For these reasons, and excluding the separate garage and storage area, I find that Unit 2 would not have adequate outdoor space.
10. In respect of internal space, JLP Policy Dev 10 also requires that new dwellings should meet the Nationally Described Space Standard (NDSS). For a 2-bed, 3-person dwelling, the NDSS requires the gross internal floor area to be at least 70sqm (including a built-in storage area of 2sqm). A 2-bed, 4-person dwelling is required to have a minimum of 79sqm with storage.
11. The appellants accept that the proposed floorspace does not meet the standard but describe this as marginal. The Council say that even a small shortfall breaches the minimum standard, but also say that if Unit 2's second bedroom is for a single person, the accommodation would exceed the NDSS. The plans before me show one of Unit 2's bedrooms as being for single occupancy, and therefore I find that the relevant NDSS requirement is 70sqm, which the proposal would achieve.
12. Nevertheless, notwithstanding the internal space available, the space for outdoor recreation would not be of sufficient size or quality. I therefore conclude that future occupiers of proposed Unit 2 would not have adequate living conditions in respect of outdoor amenity space and internal living space, contrary to Policies DEV1 and DEV10 of the JLP and Policy DEV10.5 of the SPD. This would also conflict with the National Planning Policy Framework's requirement that development has a high standard of living conditions for future users.

Other Matters

13. I recognise that the proposal would contribute to the area's housing supply, on a site close to a range of services and facilities. I understand too that the property was historically in retail and residential use, with two front doors, and that no concerns have been raised in respect of Unit 1. Nevertheless, these matters do not overcome Unit 2's conflict with the JLP, or my conclusion on the main issue.
14. The site is within the Stoke Gabriel Conservation Area (CA) and the South Devon Area of Outstanding Natural Beauty (AONB). There is no dispute between the parties that the proposed physical works, which would be minor in nature, would have no adverse effect on the character or appearance of the CA, or the natural beauty of the AONB. Having considered the proposal and

visited the site and its surroundings, I concur with that view. Accordingly, the proposal would preserve the character and appearance of the CA and maintain the AONB's natural beauty.

15. The site adjoins Laurel Cottage, a Grade II listed building, while the Grade II listed Church House Inn is opposite and the Grade I listed Church of St Gabriel and St Mary is nearby.
16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. In determining the application, the Council did not identify any harm to the listed buildings or their settings. Given the nature of the appeal site and proposal, I have no reason to disagree in respect of this matter.
17. However, despite my conclusion in respect of the CA, AONB and the listed buildings, this does not alter my view on the main issue.

Conclusion

18. For the reasons given above having regard to the Development Plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

O Marigold

INSPECTOR