



Appeal Decision

Site visit made on 3 January 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2023

Appeal Ref: APP/K1128/W/22/3303149

10 Crossparks, Dartmouth TQ6 9HP

- 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 David Heaton against the decision of South Hams District Council.
 - The application Ref 1093/22/FUL, dated 14 March 2022, was refused by notice dated 8 July 2022.
 - The development proposed is householder application for garage conversion to bedroom and shower room for family, friends and Air BnB including additional parking.
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Decision

1. The appeal is allowed and planning permission is granted for householder application for garage conversion to bedroom and shower room for family, friends and Air BnB including additional parking at 10 Crossparks, Dartmouth TQ6 9HP in accordance with the terms of the application, Ref 1093/22/FUL, dated 14 March 2022, and the plans submitted with it, subject to the schedule of conditions below.

Preliminary Matters

2. The description of development used in the banner heading above is based upon that given by the local planning authority. I have used this description as it more succinctly describes the development proposed than that given on the application form.
3. At the time of my site visit the development had been carried out and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal on the basis of those plans.
4. The Council's reasons for refusal relate to the effect from the holiday accommodation use. As the concerns do not relate to the principle of an ancillary accommodation use in this location or to the external changes to the garage, I focus the consideration of the appeal accordingly.

Main Issues

5. The main issues in the appeal are:
 - whether the living conditions for occupiers of the accommodation is adequate, with particular regard to the size of the internal and outdoor space.
 - the effect of the outdoor space on the living conditions of the neighbouring occupiers at No 11 Crossparks; and,

- the effect of the on-site parking arrangements on the living conditions of neighbouring occupiers.

Reasons

Living conditions of occupiers of the accommodation

6. Policy DEV10 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP), the Supplementary Planning Document (SPD) and Nationally Described Space Standards (NDSS) relate to new dwellings, including the conversion of existing properties to flats and Houses in Multiple Occupation. They do not specify whether the stated standards apply to holiday accommodation. However, paragraphs 4.135 and 4.140 of the SPD state that the internal and outdoor space standard can be relaxed in exceptional circumstances and where justified on a case-by-case basis.
7. There is no dispute between the parties that the internal space formed from the garage and the external space to the side of No 10 associated with the holiday accommodation is below the standards set out in the LP, SPD and the NDSS. However, I note that another holiday let with internal space falling below the NDSS standard has been allowed by the Council at No 5 Ford Valley (3687/20/FUL). Although larger than the internal space forming part of the appeal proposal, the planning permission was allowed on the basis that the standards can be relaxed for holiday accommodation.
8. The council's officer report acknowledges that occupiers of the holiday accommodation are likely to spend less time within the unit than occupiers of a permanent dwelling. I have no reason to take a different view and to my mind, the form and expected use of the space as accommodation for friends and family or those on holiday, reasonably lends itself to the provision of less space and more basic amenities due to the transient nature of such uses. The size and facilities appear reasonably more akin to that of a typical hotel room which is generally accepted as suitable for short stays. Moreover, as there are benefits from the accommodation to the tourism industry, I find the internal space to be of a size adequate for the use proposed.
9. With regard to the size of the outdoor space, occupiers of the holiday accommodation are likely to be out and about in the area whilst visiting and as a result would not require as much outdoor space as occupiers of a permanent dwelling. Photos accompanying the application show that the outdoor space is large enough for a couple of deckchairs and a table and chairs. In light of this and the limited number of people that could occupy the holiday accommodation, I find the outdoor space to be of an adequate size for its intended use as proposed.
10. For the above reasons, I conclude that the living conditions of occupiers of the accommodation would be acceptable. Accordingly, the proposal does not conflict with Policies DEV1 and DEV10 of the LP and the SPD, insofar as they seek to ensure, amongst other things, that development proposals provide a satisfactory standard of accommodation and are of a high quality and of a sufficient size and layout.

Living conditions of No 11 Crossparks

11. The outdoor space is positioned alongside the side elevation of the garage to No 11 enclosed by the garage, the side of No 10 and the gated access.

12. I acknowledge that the proposal may lead to a greater use of the side outdoor area compared to its use in association with No 10. However, the area can already be used as outdoor space in relation to No 10 and there are no windows in the side of the garage to No 11 adjoining the site. I have found above that the limited small size of the area and holiday accommodation nature of the proposal adjoining the main dwelling will restrict its level of use and as a result would restrict any noise or disturbance. I recognise that visitors may spend more time outside and have less responsibility for the area than their own space, but the limited size of the accommodation and partly enclosed nature of the outdoor area will limit the extent of any noise or disturbance.
13. Whilst I recognise the presence of windows to the living accommodation to the side and rear of No 11, these already have a relationship with the side and rear outdoor space to No 10. There have not been any specific concerns raised by the existing occupiers of No 11 regarding the use of the external area to date. The absence of objection, however, cannot be taken as a definitive indicator of any future effects. Nonetheless, it does add weight to my own observations that the location of the dedicated outdoor space at the side adjacent to an existing garage at No 11, and thereby separated from habitable rooms and associated windows to the front and rear, would not lead to unacceptable levels of noise and disturbance to the living conditions of occupiers of the neighbouring property.
14. For the above reasons, I conclude that the outdoor space is not harmful to the living conditions of the neighbouring occupiers at No 11 Crossparks. As such, the proposal does not conflict with Policies DEV1 and DEV2 of the LP and the SPD that seek to ensure, amongst other things, no unacceptable harm to living conditions.

Living conditions of neighbouring occupiers

15. The site is located on a slight bend in the road, and whilst it narrows just past No 10, it is free from the parking restrictions that apply at the junction of Crossparks. The road is a quiet residential street with limited on-street parking taking place. The appellant has provided photographs demonstrating how four cars can park off-street to the front of No 10.
16. I acknowledge that there are no scaled drawings forming part of the appeal to demonstrate that the existing spaces are of a suitable size and arrangement. I also acknowledge that two of the three spaces for the main dwelling would be blocked in by the third space and the inconvenience this may cause. However, the existing access is wide with good visibility and located off a quiet road allowing vehicles to safely access and exit the parking spaces in forward or reverse gear as required. As a result, if the existing parking spaces on site were not all used, from the evidence in front of me, there is on-street space to the front of the appeal site for vehicles to park and for vehicles to safely pass parked cars. In addition, other on-street parking spaces are available elsewhere along Crossparks. Whilst on-street parking may be unusual in this location, particularly outside of times when local school children are being dropped off and collected, parking to the front of the site and nearby can legally take place with adequate space remaining for a motorhome and emergency service vehicles to pass.
17. The parking provision requirements set out in the SPD do not specifically mention holiday accommodation. Furthermore, although the parking standards

in Policy DNP ST2 of the Submission Version of the Dartmouth Neighbourhood Plan February 2022 (NP) include reference to holiday accommodation, given its stage of production, the document can be afforded limited weight. In any case, I am satisfied that parking provision of up to three on-site spaces for the dwelling and an additional space for the accommodation subject of this appeal provides suitable parking arrangements. To my mind, such arrangements ensure no harm the living conditions of neighbouring occupiers in terms of their own parking convenience and do not introduce an unacceptable impact on highway safety.

18. For the above reasons, I conclude that the proposal would not harm the living conditions of neighbouring occupiers. As such, the proposal does not conflict with Policy DEV29 of the LP and the SPD in so far as they seek to ensure, amongst other things, safe and satisfactory traffic movement, and vehicular access.

Other Matters

19. The evidence in front of me indicates the possible presence of a covenant that prohibits any businesses from being run from properties on Crossparks Road. However, such matters are covered by other legislation and as such do not outweigh my findings above.

Conditions

20. I have had regard to the tests in the National Planning Policy Framework in relation to conditions, and the planning conditions suggested by the Council. As the development has already taken place, there is no need for the standard time condition or for a condition to confirm the approved plans.
21. The Council have suggested a condition limiting the use of the converted garage to that being applied for and I find such a condition is necessary to define the planning permission. To make the condition effective I have made the submission of information to the Council time bound to 7 days and consider this a reasonable time period for the provision of the information. The Council have suggested a condition requiring the provision of an electric vehicle charging point and I find such a condition necessary in the interests of creating a low carbon future. I have amended the suggested wording for both of these conditions in the interests of conciseness and to reflect the fact that the development has commenced. The further condition suggested by the Council requiring the submission of details of the parking, drainage and visibility splays are not necessary in light of my findings above that the existing parking arrangement is adequate to serve the proposal.

Conclusion

22. For the reasons given above and having had regard to the development plan as a whole, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The accommodation hereby permitted shall not be occupied at any time other than for holiday accommodation purposes or purposes ancillary to the residential use of the dwelling known as 10 Crossparks, Dartmouth. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday accommodation and shall make this information available within 7 days of any request made by the local planning authority.
- 2) Within two months of the date of this decision, details of the type, location, and timing for the installation of an Electric Vehicle Charging Point (EVCP) shall be submitted to the local planning authority for approval. Thereafter, the EVCP shall be installed in accordance with the approved details and maintained and kept in good working order as specified by the manufacturer.