



Appeal Decision

Site visit made on 11 April 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/K1128/W/22/3307787

St. Nicholas, Coronation Road, Salcombe, Devon TQ8 8EA

- 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 Graeme Lennox against the decision of South Hams District Council.
 - The application Ref 1764/22/FUL, dated 22 June 2022, was refused by notice dated 16 August 2022.
 - The development proposed is to change existing summerhouse/office/gym to holiday let with parking.
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Decision

1. The appeal is allowed and planning permission is granted to change existing summerhouse/office/gym to holiday let with parking at St. Nicholas, Coronation Road, Salcombe, Devon TQ8 8EA in accordance with the terms of the application, Ref 1764/22/FUL, dated 22 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; A101 Proposed Layout; A102 Existing and Proposed Elevations; A103 Site Plan.
 - 2) The development hereby permitted shall only be used as short-term holiday let accommodation and shall not be occupied by any one person for a period exceeding 28 continuous days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year which shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.
 - 3) The parking area shown on drawing 05 – Site Plan shall be retained in the approved form for the lifetime of the development.

Preliminary Matter

2. The date of the planning application form was missing from the appeal submission. The appeal form and appellants statement both confirm that the application was dated 22 June 2022, and this is reflected in a date stamp on the application form. While the Council's decision notice suggests the application was received on the 23 May 2022, I have used the date stamped on the application form in the banner heading above.

Main Issues

3. The main issues are:

- whether the proposal would provide satisfactory living conditions for future occupiers of the proposal with regard to internal space, and the effect of the proposal on the living conditions of neighbouring occupiers with regard privacy and disturbance; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The appeal site is to the rear of the host property, St. Nicholas and features an existing outbuilding, which I observed has been converted in accordance with the plans submitted as part of the planning application the subject of this appeal. Due to the surrounding steep rising topography, the appeal building is sited above both the host property, and neighbouring properties to the east.
5. Although the appellant states that the proposal relates to a 'subservient holiday annexe' and has 'no desire for a separate dwelling', the appellant has also stated within their appeal statement that the application was for a 'change of use of the building from an incidental outbuilding to an annex outbuilding to be used as a *self-contained* (my emphasis) holiday rental'.
6. I note the building has been utilised for 'Air BnB' holiday letting. Physically, the property has all the attributes of a self-contained dwelling suitable for day-to-day living including a bedroom, living area, and private outdoor space. While there were no particular cooking facilities at the time of my visit, a tea making area including sink, food preparation area and crockery were present and hence, I find it has the distinctive characteristics of a dwellinghouse as established in the case *Gravesham BC v SEE and O'Brien [1983] JPL 307*.
7. Policy DEV10 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP) requires that new dwellings should be of sufficient size and layout to provide good quality accommodation to meet the needs of the occupants, and meet Nationally Described Space Standards (NDSS). The building concerned is small, with a floor area stated by the Council to be just under 30 sq.m. The appellant states that the appeal building is advertised as a two-guest property, and therefore, falls below the NDSS standard of 50 sq.m for two person units.
8. Notwithstanding, the building features an appropriate layout, sufficient light and outdoor space and a high-quality finish and would meet the needs of future occupiers of holiday accommodation who may not require the space outlined within the NDSS due to the short-term temporary nature of a stay, reduced requirement for storage, and reduced likelihood of spending significant periods of time within the accommodation. While it may be the case that the appellant has not tried to create a dwellinghouse, any resultant planning permission would have this effect. However, occupancy could nevertheless be restricted to holidaymakers through the imposition of a suitably worded planning condition.
9. Outdoor space at the appeal site consists of a vehicle parking area to the front, and an enclosed terrace area to the rear, which affords wide views over Salcombe Harbour. Although the terrace is above neighbouring gardens to the

east and affords unrestricted views to the back of neighbouring properties, these views are at some distance. Furthermore, there is existing overlooking of these properties from both the appeal site, and an access track to the north.

10. Given the height of the building above neighbouring properties to the east, and the impressive views across rooftops to the estuary beyond, I am of the opinion that future occupants of the dwelling would be drawn to look out over neighbouring properties and garden areas below, rather than down into them.
11. I observed that the internal layout of the building does include a reasonably sized internal seating area, and therefore future occupants would not rely solely on the outdoor terrace area for seating. Although I acknowledge the character of holiday use of the building is likely to result in more intensive use of the terrace, I have been presented with little evidence to justify refusing permission on the grounds of noise generation and disturbance. Given that the appeal site and building is currently part of the garden of the host dwelling, it can be used for amenity purposes presently, so the similar use of the proposed terrace would change little in this regard.
12. Consequently, I conclude on this main issue that the proposal would provide satisfactory living conditions for intended future occupiers with regard to internal space, and would not harm the living conditions of neighbouring occupiers with regard to privacy and disturbance. The proposal therefore accords with LP policies DEV1 and DEV10 which, amongst other things, seeks to ensure satisfactory living conditions and adequate space for future occupants of the proposal and prevent unacceptable impacts on neighbouring occupants living conditions. It would also be consistent with the provisions of the National Planning Policy Framework (Framework) which seek to provide high standards of living conditions for existing and future users.

Character and appearance

13. The appeal building features stone and timber clad elevations under a 'green' roof and is located within a largely residential area of Salcombe, and within an Area of Outstanding Natural Beauty (AONB). The surrounding area features a number of residential dwellings, of varying scale and design, which contributes to the suburban character of this area of Salcombe. The proposal does not seek any changes to the appearance of the outbuilding. However, the Council have concerns that the use of the building as holiday accommodation, and a resultant intensification in use would result in a cramped, contrived and crammed form of development.
14. The appeal site is accessed via both an existing vehicular access onto Drake Road, and also a pathway within the garden of the host dwelling. Although the building is smaller than other dwellings in the area, the single storey flat roof design and narrow stone-faced road facing elevation setback behind the off-road parking area, fits comfortably within the street scene. The proposal does not appear cramped, contrived, or crammed and would therefore, given its location within a residential area of Salcombe, also have a neutral impact on the setting of the AONB.
15. Furthermore, notwithstanding the existing pathway through the garden and boundary treatments, due to the surrounding topography, distance to the rear of the host property and separate vehicular access, the outbuilding has the character of being physically and functionally separate from the host dwelling.

16. Even if it is the case that the proposal would result in additional movements to the appeal site and associated intensification of the use of the site, given the separate access and spatial separation of the appeal site to the host dwelling and neighbouring properties, such movements would be as expected within an urban residential area and would not result in a change to the character of the area.
17. Consequently, I conclude that the proposal would not have a harmful effect on the character and appearance of the area. The proposal therefore accords with LP Policy DEV20, and Policy SALC B1 of the Salcombe Neighbourhood Development Plan 2018-2034 (NP). These policies, amongst other things, seek to ensure development is of high-quality design, contributing positively to both the townscape and landscape, and being in keeping with the area within which is located. There would also be no conflict with the overarching aims of the Framework which requires, amongst other things, good design that functions well and adds to the overall quality of the area and optimises the potential of a site to accommodate and sustain an appropriate amount and mix of development.

Other Matters

18. NP Policy H3 seeks to ensure that new open market housing is occupied as a principal residence. For the reasons I have provided above, although the proposal would result in a new dwelling house, the proposal would not be suitable as a principal residence, and a condition can be imposed restricting occupancy to short term holiday purposes.
19. The Council's Officer Report indicates that the access is potentially hazardous but have not raised any formal objection to the access in terms of highway safety due to acceptance by the Highway Authority. Although I observed visibility is restricted in both directions, the character of the highway, with nearby sharp bends, significantly reduces speeds of highway users when passing the appeal site access. While I acknowledge a lack of a turning space, in the absence of any substantive evidence to indicate that the access is unsafe, I have no reason to believe that the access would result in an unacceptable impact on highway safety.
20. While I note third parties' comments in relation to the planning history of the appeal building and the alleged intentions of the appellant, these matters have limited bearing on my assessment of the planning merits of the appeal scheme so do not lead me to a different conclusion. Furthermore, Building Regulations is a differing regime, and not a matter before me in this appeal.

Conditions

21. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed with regard to the advice provided in the Planning Practice Guidance (PPG). Given the development the subject of the appeal has taken place, a time limit condition is not required, however a condition regarding the approved plans is required to provide certainty.
22. Given I find that the proposal has the character of being physically and functionally separate from the host property, it is not reasonable or necessary to ensure that the proposal is operated ancillary to the host dwelling. However, given the size constraints of the accommodation and potential impact on living

conditions of any permanent future residents, a condition is necessary in order to ensure that the development is used for the purposes of short-term holiday accommodation only. Finally, given restricted on-road parking availability in the area, a condition is necessary to ensure adequate off-road parking provision is retained.

Conclusion

23. For the reasons given above, I find that the proposal is in accordance with the development plan, considered as a whole. There are no considerations of sufficient materiality to indicate that the decision should be made other than in accordance therewith. Therefore, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR