



Appeal Decision

Site visit made on 16 July 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/X1165/W/24/3341749

29 Western Road, St Marychurch, Torquay TQ1 4RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs C and M Chow against the decision of Torbay Council.
 - The application Ref is P/2023/0455.
 - The development proposed is Alterations to form two dwelling Units.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development is alterations to form two dwelling units. The previous use of the building was as a 9-bedroom Home of Multiple Occupation. During my site visit it was evident that the 4 bedroom unit was being used as a singular unit, and appeared to be in accordance with the submitted plans. The three-bed unit has not yet been completed in accordance with the plans before me.
4. It is noted by the Council that the plans did not accurately represent the correct window arrangement in the 3-bedroom unit, with some windows being omitted by mistake. I have the correct plans before me and have viewed the window arrangement during my site visit. I have therefore assessed the scheme on this basis.

Main Issue

5. The effect of the proposal on a) the living conditions of future occupiers, with specific regard to internal space standards, outlook and light and b) the character and appearance of the St Marychurch Conservation Area.

Reasons for the Recommendation

Living Conditions

6. The development would see the semi-detached building split into two residential units, one being a four-bedroom property across three floors, and the other being a three bedroom single storey flat to the rear.

7. Policy DE3 of the Torbay Local Plan 2012-2030 (LP) sets out the requirements for living conditions for future occupiers of developments. Point 9 of Policy DE3 sets out that adequate floorspace should be provided in residential development to achieve a pleasant and healthy living environment. The companion text for this policy states that regard will be had to the Nationally Described Space Standards (NDSS) when considering planning applications and these are set out at table 23 of the Plan.
8. Both units would meet the required minimum gross internal area (GIA) as set out in the NDSS. This is also supported by the supporting text for Policy DE3 of the Torbay Local Plan 2012-2030 (Local Plan) at table 23. The NDSS goes further to set out the minimum size requirements for bedrooms, which is 11.5sqm for a double bedroom, and 7.5sqm for a single bedroom, with a minimum width of 2.15m. Each unit is required to have one double bedroom. Policy DE3 also requires developments to not unduly impact upon the living conditions for future occupiers, which includes outlook and light.
9. In the four bedroom unit, one of the double rooms exceeds the NDSS, and the other double room falls marginally below the NDSS. During my site visit it was evident that despite the shortfall in space, the smaller double room was spacious enough to accommodate a double bed and other bedroom furniture. The two 'single' bedrooms also fall beneath the minimum requirements for single rooms, with one being marginally narrower, and the other having an overall smaller footprint than required. Despite the fact that both of these rooms are technically below the minimum space standards for single bedrooms, during my site visit both had double beds, and while on the smaller side, would be adequate as single bedrooms.
10. The bedrooms which fall slightly below the NDSS have dual aspect windows which provide good outlook and light. While these do not practically increase the floor area, they do make the bedrooms feel spacious, adding to the quality of living space within these rooms.
11. Overall, in respect of the four-bedroom unit, while most of the bedrooms fall slightly under the NDSS requirements, they each have a sense of openness that adds to the quality of these spaces, which accords with the supporting text of Policy DE3, which sets out the Councils aspiration for all homes to meet a high standard of residential accommodation in terms of quality of life for residents.
12. The three-bedroom single storey unit does not have a bedroom that meets the minimum space required for a double room by the NDSS. The largest room, labelled bedroom 1 on the plans before me, has a 'dog-leg' shape which would be impractical for even a single bedroom owing to its shape. Whilst the plans are not dimensioned, from my site visit it would appear that a double bed would not fit in this room. This room is served by a clear glazed window, however owing to the 'dog-leg' shape which give the impression of a corridor, it is unlikely that adequate light would reach the far end of the room. As a result, bedroom 1, the largest of the bedrooms in this unit, would not be suitable as a double bedroom.
13. The second bedroom is also below the NDSS requirement for a double bedroom. Upon inspecting the site this room did have a double-bed and although small, would have been adequate for use as a double room. Notwithstanding this, the room was made to feel considerably smaller owing to

the lack of a suitable window providing an outlook, and only a rooflight allowing light into the space. The lack of outlook would have a significant negative impact on the living conditions of the future occupiers of this unit.

14. The final bedroom meets the NDSS for a single room. It is served by a window which, at present, is obscure glazed. I cannot see anything before me which would suggest that it would remain as obscure glazed, and if I were minded to recommend allowing the appeal, the installation of a clear glazed window could be conditioned.
15. Overall, the sense of spaciousness of the bedrooms in the four-bedroom unit provided by the dual aspect windows countered the slightly smaller size of some of the rooms than required by the NDSS, and provided accommodation which would enhance the living conditions of the occupants. However, the three-bedroom unit had two rooms which were significantly smaller than the NDSS, and this, coupled with inadequate light and outlook would harm the living conditions of the future occupiers, and would not provide acceptable internal space, light and outlook for all of the rooms. On balance, the development does not accord with Policy DE3 of Local Plan which sets out to provide a high standard of living conditions for occupants of new and converted properties.

Character and Appearance

16. The site is within the St Marychurch Conservation Area (CA), which appears to derive its significance from distinct areas of terraced properties and larger villas. Western Road is lined with large villas, and the CA character appraisal notes that each has been subject to alterations over time. The appeal site is no different. The building sits above the curved road below, and the front and side of the building are highly visible. It is clear that the building has had multiple additions and alterations over the years which contribute to its untidy and rather eclectic appearance.
17. The proposal would not result in any changes in the external appearance of the building. However, it would add bin and cycle storage, and the extension of the car parking area, all of which would be seen from the road. Given the busy appearance of the rest of the property, it is unlikely that the minor additions would significantly detract from the appearance of the site and would visually complement the appearance of the garden area. The proposed changes would be in-keeping with the existing use of the site, and would therefore not be incongruous in the CA.
18. The previous use of the property was as a nine-bed HMO, and the change into two residential units is unlikely to result in an overdevelopment of the plot, being as there would not be external changes resulting from this. From the road, it would not be apparent what the living situation of the occupants would be, and therefore I find it unlikely that the proposal would materially alter the character or appearance of the plot.
19. The plans before me do not propose any external changes to the façade of the building, and therefore has a neutral impact on the character and appearance of the area, and would preserve the significance of the CA. As a result, the proposal is in accordance with Policies DE1 and SS10 of the Local Plan and Policy TH8 of the Torquay Neighbourhood Plan 2019, which collectively seek to

ensure that developments are of good quality design that respect the local character.

Planning Balance and Conclusion

20. The scheme would remove a 9-bed HMO from the local area and replace it with 2 new family sized dwellings in a sustainable location close to services and facilities. This is not in dispute. The scheme would make a contribution, albeit small, to the supply of housing in the area, at a time when the Council is unable to demonstrate a five-year supply of deliverable housing sites. This matter carries considerable weight.
21. Paragraph 11 d) of the National Planning Policy Framework (the Framework) requires decision makers to apply a presumption in favour of sustainable development where that there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. Notwithstanding the absence of a five year supply of deliverable housing I find that Policy DE3 of the Torbay Local Plan 2012-2030 is relevant to this appeal, is consistent with the Framework, and is not out of date. For the reasons set out above I find that harm would be caused to the living conditions of the future occupants of the property, and as a result, the appeal proposal would be in conflict with the development plan, and the Framework. Moreover, I find the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. There are no material considerations which lead me to determine the appeal otherwise than in accordance with the development plan. Accordingly, the proposal would not comprise sustainable development.

Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR