The Planning Inspectorate

Appeal Decision

Site visit made on 24 June 2014

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2014

Appeal Ref: APP/Y3805/A/14/2213324
18 Southdown Road, Shoreham-by-Sea, West Sussex, BN43 5AN.

- 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 Ms Vicky Portwain against the decision of Adur District Council.
- The application Ref AWDM/0810/13, dated 20 June 2013, was refused by notice dated 23 September 2013.
- The development proposed is to demolish existing garage and construct a single storey replacement building to be used as a 1 bed holiday let.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are:

    a) the effect of the proposed development on the living conditions of neighbouring residential occupiers in terms of noise and general disturbance;

    b) whether the proposal would provide a satisfactory standard of accommodation for future occupiers; and

    c) whether the proposed development would serve to preserve or enhance the character or appearance of the conservation area.

Reasons

3. The property the subject of this appeal, 18 Southdown Road, is a semi-detached dwelling located in the Shoreham Conservation Area. The property, like its neighbours, enjoys a deep rear garden which has vehicular access over an un-made track to the rear that serves this and a number of other properties.

4. The appellant proposes the demolition of the existing garage and the construction of single storey building to be used as holiday accommodation for rent. While parking for the holiday let would be in front of the garage, it is proposed to form a second parking space to serve the host property in the front garden with access from Southdown Road.

5. The Council states in its evidence that the new development would be acceptable in principle and that tourist facilities are also generally supported in the built up area, as it recognises that tourism brings economic benefits to the local area.

First main issue

6. The proposal is to provide holiday accommodation for two adults and possibly a child. The unit would be available for short lets all year round for up to twenty-eight days consecutively at any one time.

7. I understand that the present owner currently uses the garage for general household storage and for games, such as table tennis etc., and that the track is not in regular use for vehicular access to this property. Nevertheless, even if the access and garage were used as intended, the level of activity associated with these uses would, in my opinion, be low level as it would be used in association with the main dwelling, serve just one family and simply reflect the use of neighbouring outbuildings in the area.

8. In contrast, the occupation of the new building by holiday makers would, in my opinion, result in a significantly more intensive use of both the track and rear garden area as the building has the potential to effectively become a short-term residence introducing a second family onto the site. The proposed use, with the inherent comings and goings along the track together with the use of the garden area, would result in increased levels of noise and general disturbance, particularly in the summer months, in what I found to be a quiet sub-urban residential area.

9. I note the appellant's contention that the proposed holiday let would result in less work related car trips to and from the main house. However, bearing in mind that the holiday accommodation would give rise to an additional separate family group to the main household being on site, I am not persuaded that overall the number of trips would necessarily be significantly reduced.

10. The appellant and her family clearly make use of the garage and adjoining garden area in association with their occupation of the main house. However, their activity will be spread across the whole property and therefore would, I believe, be somewhat intermittent. On the other hand, the holiday guests' use of the new building and garden would be both concentrated and in addition to the use of the remainder of the property by the appellant and her family. Overall this would, in my view, be a significantly more intensive use of the appeal site and building than would otherwise be the case resulting in increased levels of noise and disturbance.

11. I therefore conclude, in respect of the first main issue, that the proposal would result in an intensification of activity in this back garden location that would lead to an increase in noise and disturbance to the detriment of the living conditions of neighbouring residential occupiers. The proposal would therefore be contrary to the objectives of saved Policies AG1, AB4 and AH2 of the Adur District Local Plan adopted April 1996 (LP) and the National Planning Policy Framework (the Framework) as they relate to the protection of the living conditions of residential occupiers.

Second main issue

12. The proposed accommodation extends to just some 29 square metres. The Council contends that this would be small when compared to the minimum floor area of 32 square metres required by the guidance for a studio flat, set out in the Council's Good Practice Guidance Note: *Internal Space Standards for New Homes,* and therefore the unit would provide a cramped and substandard level of accommodation. I agree with the Council that if the property is to be occupied for extended periods of say up to 28 days then future occupiers will look for facilities, such as a washing machine, and levels of storage that might not otherwise be required for a shorter stay.

13. I also acknowledge that the unit is small and unfortunately the drawings are only schematic and not detailed or fully resolved. However, in my judgement, the unit has the potential to be overall of sufficient size, subject to some imaginative design input, to provide an appropriate level of facilities and accommodation to meet the needs of a short-term holiday tenant.

14. Accordingly, although the proposal would not meet the floor area standard for a permanent studio flat as set out by the Council, I believe that it would nevertheless overall meet the objectives of saved LP Policies AG1 and AH2, the Good Practice Guidance Note: *Internal Space Standards for New Homes* and the Framework as they seek to protect the living conditions of residential occupiers.

Third main issue

15. Save for Mill Warbler and number 7 Mill Lane, this part of the conservation area is characterised by large dwellings in long rear gardens. The introduction of a new dwelling here, even if occupied as a holiday let, would result in a new residential use in this location. On balance, therefore, in my opinion even though the building itself may be no more visually obtrusive than the present garage, the development would detract from the established character of the conservation area.

16. I therefore conclude in respect of the third main issue that the proposal would fail to preserve or enhance the character of the conservation area and thereby it would not accord with the objectives of saved LP Policy AB4 and the Framework as they reflect the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

17. The appellant has drawn my attention to similar proposals elsewhere in the country that have been permitted. Whatever the circumstances surrounding those developments, I have considered this proposal on its individual planning merits.

Conclusions

18. The Government published its *planning practice guidance* on the 6 March 2014 and it applies from the date of publication. The content of the guidance has been considered but in light of the facts in this case it does not alter my conclusions.

19. I have concluded that the proposed development would not adversely affect the living conditions of subsequent occupiers, in terms of the size of the proposed

holiday let. However, I consider that this factor is outweighed by the unacceptable harm that would ensue to the character of the conservation area and the living conditions of neighbouring occupiers as a result of an intensification of activity in this back garden location, that would lead to an increase in noise and disturbance. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR