

Appeal Decision

Site visit made on 31 May 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 15 June 2017

Appeal Ref: APP/Q3305/W/17/3168935

Moorland House, Bay Lane, Draycott, Cheddar BS27 3TA

- 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 M Dolcezza against the decision of Mendip District Council.
 - The application Ref 2016/2775/FUL, dated 4 November 2016, was refused by notice dated 12 January 2017.
 - The development proposed is conversion of existing annexe to form new dwelling and alterations to outbuildings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of Moorland House, having regard to noise and disturbance.

Reasons

Living conditions

3. Moorland House has a range of outbuildings in its grounds. A hardsurfaced parking area occupies a significant part of the space between the existing house and Bay Lane. A two storey detached outbuilding used as a residential annexe is located at the side of the house.
 4. The proposal entails converting the annexe into a one bedroom dwelling. The existing parking area would be enlarged, by removing most of the other outbuildings to create a shared parking and turning area with three allocated parking spaces. One of the spaces would be for the proposed dwelling, with the others serving the existing house.
 5. The appellant suggested that the level of pedestrian and vehicular movements associated with a one bedroom dwelling would be likely to equate to no more than three out-and-back trips per day. Even so, this would involve a total of six daily movements. Most of these movements would probably involve vehicles, as the village is unlikely to provide for the future occupiers' employment or most of their day-to day needs in terms of services and facilities. When account is also taken of deliveries and visitors, the level of daily vehicle movements that would be associated with the proposed dwelling is therefore likely to be closer to eight.
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6. Consequently, the proposed dwelling would be likely to generate a significant increase in comings and goings at the appeal site, especially by vehicles. The vehicle movements and matters such as their manoeuvring, starting and revving of engines, opening and closing of vehicle doors, loading and unloading and drivers and passengers conversing, would generate substantial levels of noise and disturbance.
7. The proposed dwelling and its allocated parking space would be located at the side of the existing house furthest from the access. Therefore, vehicles and pedestrians travelling across the shared parking and turning area to and from the proposed dwelling would have to pass alongside almost all of the front elevation of the existing house. The distance between the front elevation and these movements would be very small, due to the limited distance between the existing house and the road. There would be no physical features, such as walls, fences, landscape planting or an intervening amenity area of meaningful size, which could separate the movements from the front of the existing house and or act to reduce the noise and disturbance from comings and goings.
8. A number of the rooms at the front of the existing house would directly overlook the shared parking and turning area. The rooms would therefore be in proximity to the increased movements generated by the proposed dwelling. Given the position of the house set back from the lane behind a substantial front boundary wall, at present most of those rooms are likely to experience limited levels of noise and disturbance. Consequently, the occupiers of the existing house currently enjoy a reasonable degree of peace and quiet when using those rooms. The significant additional noise and disturbance generated by the comings and goings to the proposed dwelling in proximity to those rooms would therefore adversely affect the occupiers' enjoyment of the house.
9. I acknowledge that apart from the sitting room, the majority of the rooms at the front of the existing house appear to serve secondary purposes, such as a utility room, hall and landing and bathrooms. Most of the primary rooms such as the bedrooms and living room overlook the rear garden and face south-west. Even so, it would not be unreasonable for the occupiers to expect that they could enjoy a reasonable degree of peace and tranquillity whilst using all rooms in the house. Moreover, the noise and disturbance created is unlikely to be limited to rooms at the front of the existing house. It would be experienced elsewhere within the house, especially if windows are left open and interior doors are ajar as would be likely to occur at times, especially during the summer.
10. Further, it is not unreasonable to anticipate that as the occupiers' requirements change in the future, some rooms at the front of the existing house might be used for primary purposes such as bedrooms or a study. Otherwise, the way in which the house is occupied would be unduly restricted. The appellant appears to accept that it is not possible to predict the occupier's future requirements. Consequently, it is entirely reasonable to afford the front rooms a similar level of consideration as to rooms in the rest of the existing house.
11. The sitting room has windows adjacent to the lane, including a side window looking onto it. Noise and disturbance from traffic travelling along the lane might therefore already have some effect on the occupiers' enjoyment of the sitting room. Even so, this in itself is not a good reason for introducing a new source of noise and disturbance in such proximity.

12. I note the appellant's suggestion that similar shared parking arrangements exist elsewhere, in rows of terraced houses or flats. However, my attention has not been drawn to any specific examples which were considered to be directly comparable with the appeal scheme. The existence of properties elsewhere which might have a substandard living environment is not a good reason for permitting further unacceptable development.
13. Therefore, I find that for the above reasons, the additional comings and goings associated with the proposed dwelling would generate significant levels of noise and disturbance, which would have an unacceptable effect on the living conditions of the occupiers of the existing house. I appreciate that the appellant appears to have had difficulty in selling the property as a whole. However, that is not a good reason for allowing harmful development.
14. Consequently, the proposal would not accord with criterion in Policy DP7 of the adopted Mendip Local Plan, as it would not protect the amenity of users of users of the neighbouring building. The National Planning Policy Framework (the Framework) is a material consideration which carries significant weight. By failing to secure a good standard of amenity for existing occupants of land and buildings and by not contributing positively to making places better for people, the proposal would be inconsistent paragraphs 17 and 56 of the Framework.

Conclusion

15. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR