
Appeal Decision

Site visit made on 25 July 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 31 July 2017

Appeal Ref: APP/U1430/W/17/3166521

Lyndhurst, Main Street, Peasmarch, TN31 6YA

- 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 Terry Denman against the decision of Rother District Council.
 - The application Ref RR/2016/2215/P, dated 19 August 2016, was refused by notice dated 22 November 2016.
 - The development proposed is change of use from garage to holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - Whether the means of access would be acceptable:
 - The effect on the living conditions of adjacent occupiers, in terms of noise and disturbance; and
 - The effect on highway safety.

Reasons

3. The appeal property is a garage building at the rear of the long garden of 'Lyndhurst', a detached house. Vehicular access is by means of a single track alleyway between dwellings further to the east along Main Street. The garage has planning permission for conversion to living accommodation incidental to the host dwelling. The proposal consists of a lounge/dining area and kitchen on the ground floor and 2 bedrooms and a bathroom in the roof space above. These works were in progress at the time of the site visit.
 4. Although Main Street has no public street lighting, there is a significant number of houses in the immediate vicinity facing the road, some of which have external courtesy lights. There would be sufficient incidental artificial light for people to find their way around public areas. The view that they would be able to do this safely is reinforced by the existence of a wide footway separating pedestrians from traffic and linking 'Lyndhurst' to the nearby public house and superstore just outside the village. On the other hand, the alleyway is narrow and would be dark. It is reasonable to assume that visitors in a vehicle would be able to safely navigate its straight length of about 75 metres before turning into the private access to the garage. The private access, which is under the control of the appellant, could be provided with lighting by imposing a suitable planning condition.
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5. However, the pedestrian link to the holiday unit would either be along the unlit alleyway, or through the long garden of 'Lyndhurst'. A significant length of the alleyway would remain unmade and unlit where people unfamiliar with the area might meet vehicles, could trip or stray. It is unclear from the original application how people on foot would reach the unit through the garden of 'Lyndhurst' and the Council is concerned that privacy would be compromised. Without firm proposals, I share the view that the occupiers of 'Lyndhurst' would be likely to be unreasonably overlooked in private areas of the garden by strangers accessing the unit by this means, which could be at any time of day. The 'Grounds of Appeal' indicate that a pathway along the eastern side of the garden could be adequately screened, but no drawings show this and it is difficult to see how such a link would work in practice. For these reasons, the proposal would conflict with the aims of policy OSS4 (i) and (ii) of the Rother Local Plan Core Strategy of 2014 (CS).
6. The appellant submitted a proposal subsequent to the Council's decision showing that pedestrians could use a new pathway on the western side of the garden of 'Lyndhurst' along the boundary fence. This has not been subject to public consultation. The path has recently been installed, but the low fence on the boundary currently allows unfettered views of the whole of the neighbouring garden of 'Ballards' to the west including the most private areas. The potential for intrusive overlooking is accentuated by dense planting on the opposite side of the path which prevents any view into the garden of 'Lyndhurst' at all. Whilst in theory, it might be possible to provide additional screening and provide lighting, that would change the character of the existing gardens and the boundary between them. Given the lack of consultation, it would be unreasonable to take this option into account.
7. Turning to noise and disturbance, the holiday accommodation would be sufficiently distant from the host property or any other nearby dwelling to avoid the occupants being unacceptably intrusive due to their occupation of the building. The rear areas of adjoining gardens are used for cultivation or livestock. There would be no conflict with OSS4 (ii) of the CS in this respect.

With regard to highway safety, the A268 has a 30 mph speed limit in place and many other accesses between houses and off street parking spaces. The alleyway is only wide enough for a single vehicle at the junction with the A268 but widens to the rear where there are several informal parking spaces at right angles to the lane. Given that the appeal building is already approved for use as accommodation in association with 'Lyndhurst', and that house has several off-road spaces in Main Street as well as a garage to the side, it is unlikely that the very limited additional traffic generated by a holiday let at the rear would unacceptably increase highway safety risks. In any case, a driver leaving the alleyway, if blocked by a vehicle turning in, would only have to reverse a short distance to provide sufficient space for them to pass. The likelihood of any vehicle needing to reverse into the main road is very small indeed. The situation would be little different to many other narrow alleyways in villages with main roads passing through them, where drivers need to exercise care. I conclude on this point that there would be no conflict with the aims of CS policy CO6.

Conclusion

8. CS policy EC4 gives priority to the re-use and adaptation of suitable buildings in the countryside for employment, including for tourism purposes. The proposed development would provide acceptable accommodation in itself. Whilst I have found that highway safety would not be unreasonably compromised and there would not be an unacceptable impact in terms of noise and disturbance, it has not been shown that pedestrian access would meet the standard necessary for strangers to the area to be able to access the building safely or without compromising privacy. For this reason, the appeal should be dismissed.

Paul Jackson

INSPECTOR