
Appeal Decision

Site visit made on 2 June 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/X3540/W/3240658

37 Pier Avenue, Southwold IP18 6BU

- 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 Kevin Power against the decision of East Suffolk Council.
 - The application Ref DC/19/2255/FUL, dated 4 June 2019, was refused by notice dated 15 August 2019.
 - The development proposed is construction of two storey front and rear extensions to create a 4 bed holiday let.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I am advised that the appeal scheme is the same in physical terms to that subsequently approved¹ by the Council. The only difference is whether it should be used for holiday let purposes. I have therefore restricted my considerations to this matter.
3. The appellant has questioned whether the use of the property for holiday letting purposes requires planning permission. Nevertheless, he has made an application on that basis. In any event, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the Act). It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. I have considered the appeal on the basis of the development description which includes the creation of a 4 bed holiday let.
4. The Council's appeal statement describes, on its title page, a different development proposal to the appeal scheme. However, it is clear from the main body of the statement that the Council's evidence is of the appeal before me. I am satisfied that no parties are prejudiced by this minor error.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupants of nearby residential properties with regard to noise and disturbance.

¹ East Suffolk Council reference DC/19/3917/FUL

Reasons

6. The appeal scheme would result in a substantial four-bedroomed property being available for holiday letting purposes. The submitted plans show the bedrooms to be doubles and as such would be capable of accommodating eight adults. There are two further rooms which, although indicated on the plans as being a bedroom/study and a play/games room, could also function as bedrooms. Two of the bedrooms would have en-suite facilities and there would also be a family bathroom and an additional shower room. Overall, considering the size of accommodation proposed, the property could possibly house, as a holiday let, up to 11 adults or other combinations of adults and children.
7. The appellant contends that he wants to develop the property as a family house and not a 'party house'. He considers that the design is not unusual or in any way specific to such use and that it will be a family home. The appellant also states that he did not buy the property to simply let it out but that he would like to have the option to occasionally do so. I agree that the design is not unusual and that the extended property would be able to function as a family home.
8. However, the appellant has not provided any substantive evidence or indication of what using the extended property as a 'holiday let' would look like; in terms of lengths of lets, numbers of people he would allow to stay or the number of lets that he might anticipate undertaking throughout the year. No limits have been proposed. I cannot therefore be certain of the level of activity that would be generated by the proposal.
9. Nevertheless, as Southwold is a popular holiday destination, it seems likely to me that the extended property would be attractive to large groups of people. The number of people staying for holiday purposes would be likely to exceed the number of occupants that would generally be expected to occupy a house of this size, even taking into consideration the possibility of a family with grown up children still living at home.
10. It would be difficult to precisely know who would be coming to stay, but the larger the group the less likely their occupation of the property would be similar to that of a typical large family. Even in a family with grown up children the movements would be likely to be more akin to those of neighbours, whereas use as a holiday let would generate greater potential for comings and goings throughout the day and at anti-social hours. In addition, there would likely be greater use of the garden for socialising, particularly throughout the week, during good weather. I consider that occupation of the property for holiday purposes would likely be quite different in character from that of an ordinary dwelling.
11. The parking for the proposal would be accommodated within the rear garden, accessed from the narrow driveway along the western boundary of the site. This is in close proximity to the side and rear elevations of neighbouring single storey properties. It is reasonable to assume, therefore, that the driveway and garden of the appeal building is close to the rear gardens and bedroom windows of these neighbours and that these areas would be sensitive to noise and disturbance, particularly late at night.
12. I accept that the parking arrangements have been approved under a separate planning application in relation to the extended property's use as a dwelling.

However, I consider that the potential noise and disturbance from cars accessing, turning and manoeuvring within the site would be significantly greater from use as a holiday let. This is because of the likely increase in number of movements, lack of routine, the unpacking and packing of vehicles and the necessary visits for cleaning and maintenance.

13. Therefore, on the basis of the evidence before me, I consider that the proposal would result in significant noise and disturbance as a result of its use as a holiday let and the comings and goings of guests associated with it. I conclude that the development would result in harm to the living conditions of the occupants of nearby residential properties with regard to noise and disturbance. Thus, it would be contrary to Policy WLP8.29 of the East Suffolk Council Waveney Local Plan 2019 which requires development to protect the amenity of neighbouring uses.

Other Matters

14. Both the main and other interested parties have referred to case law, including *Moore v Secretary of State for Communities and Local Government* [2012] EWCA Civ 1202, and some appeal decisions². Whilst the cases cited are useful in setting out how each case should be determined on a case by case basis, applying a consideration of fact and degree; they were mostly concerned with whether or not a material change of use had occurred. In this respect they differ from the appeal scheme as they involve appeals against enforcement notices. I, therefore, necessarily reach my own conclusions on the proposal before me, in accordance with the description of development provided on the application form.
15. I acknowledge that there are benefits linked with the proposal, including the economic benefits associated with holiday trade and the re-use of a building that has stood empty for some years. However, these benefits do not outweigh the harm I have identified.
16. The site lies within the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB). The Council has not objected on the basis of the effect of the proposal on the AONB and from the evidence before me I see no reason to disagree.

Conclusion

17. For the above reasons the appeal is dismissed.

S Tudhope
Inspector

² Including APP/Q0505/C/18/3196460 and APP/Q0505/C/18/3193261