
Appeal Decision

Site visit made on 22 September 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2020

Appeal Ref: APP/M4510/W/20/3255882

26 Warton Terrace, Newcastle upon Tyne, England NE6 5LS

- 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 Mohammed Amin against the decision of Newcastle upon Tyne City Council.
 - The application Ref 2019/1485/01/DET, dated 28 October 2019, was refused by notice dated 16 January 2020.
 - The development proposed is described as change of use all apartments to short term C1 use apart hotel.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council described the development as 'Change of use from 6 flats (Class C3/C4) to an aparthotel (Class C1) (Retrospective)'. The appellant's statement of case suggests that only the 3 first floor flats are already in use as short stay commercial visitor accommodation and that a separate retrospective application has been submitted to the Council on this reduced scale. Regardless, any ongoing discussions with the Council is not a matter for this appeal. I must determine this appeal on the basis of the development that has been applied for and on which interested parties have been consulted¹. Thus, the proposal before me is a proposed change of use of all of the flats to an apart hotel.
3. Since the determination of the application by the Council, the saved policies of the Newcastle upon Tyne Unitary Development Plan 1998 have been replaced by those of the Development and Allocations Plan 2015-2030 (DAP), adopted 24 June 2020. The appellant has had the opportunity to comment on the policies in the course of the appeal process so has not been prejudiced.

Main Issue

4. The main issue is the effect of the change of use on the living conditions of neighbouring residents in Warton Terrace, with particular regard to noise and disturbance from comings and goings.

¹ Annex M of the Procedural Guide Appeals – England (2020) advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Reasons

5. The appeal site contains a modern three-storey building on the corner of Chillingham Road and Warton Terrace. The ground floor of the building is in retail use, but the appeal concerns the first and second floor flats, which according to the drawings comprise of 4 two-bedroom and 2 three-bedroom apartments. All flats are accessed via a door on Warton Terrace.
6. This part of Chillingham Road is identified as a District Centre in the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (CSUCP). It is a busy thoroughfare containing a wide range of uses including shops, offices, and various types of food and drink establishments. The pedestrian activity and vehicular traffic along Chillingham Road is likely to continue into the evening. However, behind the busy Chillingham Road frontage is a residential environment of different character. Other than where the commercial premises turn the corner, they do not extend further down Warton Terrace.
7. I am informed that Warton Terrace contains a mix of family housing and HMOs. Be that as it may, it has a noticeably calm and quiet character in marked contrast to Chillingham Road. The close relationship of the entrance doorway to the adjacent terraced dwellings means that comings and goings from the apartments are likely to be readily apparent to occupiers of the nearby dwellings, particularly the adjacent dwelling No 24.
8. It is put to me that the proposal would be a similar character to the use of the flats for their permitted C3 and HMO purposes, with similar occupation levels and comings and goings each day. However, the proposed accommodation would mainly be used by short-stay visitors. Therefore, the turnover of occupants from the accommodation would be significantly greater. This significant turnover of occupants would mean a greater number of different people arriving and leaving, including early in the morning and late at night.
9. Whilst there is a nearby bus stop on Chillingham Road, short-stay occupants may still come by car or use taxis from the railway station or airport. Those arriving by car would need to find somewhere to park in Warton Terrace or neighbouring roads, while taxis would be likely to pull up close to the entrance or outside residential properties in Warton Terrace. This would likely occur more frequently than if the flats were occupied by longer term residents. There would also be additional comings and goings from staff employed to clean and change bed linen as part of the serviced accommodation. As the apartments would not all be let at the same time or durations, cleaning and servicing could happen very regularly.
10. The appellant states that the internal lobby arrangement enables guests to get off the street quickly, but this is tempered by the controlled access via a keycode system. This would potentially result in guests who are unfamiliar with the access arrangements waiting longer outside than permanent residents, sometimes in small groups. The wide area outside the door is also conducive to loitering or gathering, such as to smoke, or to wait for taxis, or even for other guests who may be part of a larger commercial or social group booking.
11. I take into account that the accommodation would be properly managed and that there may be strict terms of use of the accommodation itself. However, the short-term transient nature and frequency of new occupiers would tend to

mean they have little connection to the local area and hence may be less inclined to respect the surrounding area and its existing residents when coming and going. In addition, there would be no one on site to control or manage guests as they come and go. Furthermore, the evidence from the number of objections to the proposal indicates to me that the ongoing use of part of the building for short term occupancy has resulted in noise and disturbance of the kinds I have identified above, which adds weight to my conclusions.

12. Drawing all these matters together, I conclude that the proposed short-term accommodation use would give rise to associated increase in overall noise and disturbance from comings and goings, which would have a harmful impact on the living conditions of existing residents of Warton Terrace, particularly the occupiers of No 24. In this regard, the proposal would be contrary to Policy CS14 of the CSUCP which includes a requirement to prevent negative impacts on residential amenity from noise. It would also be contrary to Policy DM23 of the DAP which does not allow development that would have an unacceptable adverse impact on the residential amenity of existing or future occupants of land.

Conclusion

13. The proposal would support the visitor economy and shops in the area. It would also specifically contribute to the provision of short-stay accommodation in an accessible location. These are benefits which weigh in favour of the proposal. However, the harm that would be caused to the living conditions of residents of Warton Terrace from increased noise and disturbance leads me to conclude that the proposal would conflict with the development plan as a whole. There are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR