
Appeal Decision

Site visit made on 21 June 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/P3040/W/21/3289855

Greenview, Owthorpe Lane, Kinoulton, Nottinghamshire NG12 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr David Smith against Rushcliffe Borough Council.
 - The application Ref 21/01947/FUL, is dated 30 June 2021.
 - The development proposed is change of use from annex to holiday let accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against the Council's failure to determine the planning application within the relevant statutory period. The Council's statement of case sets out the reasons that it would have refused planning permission had an appeal not been lodged. I have had regard to these grounds in defining the main issues.

Main Issues

3. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the area; and
 - (ii) the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance.

Reasons

Character and appearance

4. Greenview is one of a row of individually designed, large detached dwellings on Owthorpe Lane. It backs on to a modern residential estate of two-storey detached dwellings on Gardner Drive. The area is predominantly characterised by single plot depths and dwellings are mainly served by reasonably spacious rear gardens. This gives order and consistency to the area making for a pleasant residential character.
5. The building subject of this appeal sits to the rear of Greenview. Due to its bulky contemporary design it is at odds with the modestly scaled structures more often seen within rear gardens in the area. Even so, I accept that the building is an established feature, albeit in the context of it functioning as a subservient annex with a close physical and functional link to the dwelling at Greenview.

6. As is indicated on the layout drawing provided, the works to erect a fence to segregate the appeal building from the garden serving Greenview have already been undertaken. Similar to the previous appeal¹, which sought to change the use of the same building to a dwelling, a holiday let would also be likely result in the permanent subdivision of the plot.
7. The small, irregular shape of the plot to serve the holiday let is at odds with the spacious rear garden setting of its surroundings. In that regard, my fellow Inspector's observations from the previous appeal are still pertinent. More specifically, the development would result in a perceptible change in character from a subservient outbuilding within a reasonably spacious garden, to an incongruous holiday let set behind neighbouring dwellings within a constrained plot. As a result, the development would be significantly at odds with the prevailing development pattern of the area.
8. The effect on the character and appearance of the area would be perceptible in private views from neighbouring properties. Comings and goings to the building, which could include the regular change over of tenants as well as activity associated with the cleaning and maintenance of the holiday let, have the potential to be greater than those associated with the use of the building as an annex to Greenview. There would also be independent use of the respective gardens created at Greenview. These factors could result in a more intensive use of external areas when compared with an annex and would further emphasise the change of function for occupiers of surrounding dwellings.
9. I conclude the development would have a significantly harmful effect on the character and appearance of the area. In that regard it would conflict with the design, character and local context requirements of Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LPP1) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2). There would also be conflict with Paragraph 130 of the National Planning Policy Framework (the Framework) which includes provisions to ensure developments function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development.

Living conditions for occupiers of neighbouring properties

10. The external areas between the appeal building and neighbouring boundaries are narrow. Due to their respective functions, the parking space to the side of Greenview and the small decking and lawn area, which sits adjacent to the appeal building's patio doors, are the areas where external activity would most likely be focussed.
11. There is a high fence and hedge to the boundary between the site and Springfield Farmhouse. The dwellings at Gardner Drive are set away from the drive at Greenview. These factors would assist in reducing the perception of any increased activity on the drive for occupiers of these neighbouring properties.
12. However, I concur with the Inspector that considered the previous appeal that regard must also be given to the relationship between the appeal site and Greenview itself. Comings and goings would likely result in some noise from

¹ Appeal ref APP/P3040/W/20/3261320

vehicle engines, from vehicle doors being closed and from vehicles traversing over the gravel drive. Given the parking space is accessed via a shared drive and through a narrow gap next to the flank wall of Greenview, such activity is likely to be highly discernible for occupiers of Greenview.

13. Furthermore, there is the potential that those using the building for holiday purposes would have a higher propensity to socialise in external areas for extended periods. The small scale of the holiday let would be likely to limit the numbers socialising. Even so, neighbouring occupiers are likely to be aware of this activity for example where it happens over consecutive days and/or continues later into the evening than might be the case with a residential annex. This would be most noticeable in summer months when neighbouring residents would themselves want to relax in their gardens or would be more likely to have windows open.
14. Notwithstanding the above, the occupiers of Greenview would be likely to be more understanding of any levels of noise and disturbance associated with the holiday let if the building were to remain in their ownership. In that regard, a condition could be attached to prevent the site being sold off as an independent holiday let. However, I remain concerned that the use of the garden by transient holiday let tenants could result in some limited levels of disturbance to the wider residential setting.
15. I conclude there would be some limited harm to the living conditions of neighbouring occupiers with particular regard to noise and disturbance. In that regard, the proposal conflicts with the amenity requirements in Policy 10 of the LPP1 and Policy 1 of the LPP2. There would also be some conflict with the requirements at Paragraph 130 of the Framework for developments to create places with a high standard of amenity for existing and future users.

Other Matters

16. I acknowledge that there is support for the provision of tourism facilities in Policy 13 (Culture, Tourism and Sport) of the LPP1 and Policy 31 (Sustainable Tourism and Leisure) of the LPP2. Even though the proposal would make a minor contribution towards tourism facilities in the Borough and there would be modest associated employment benefits associated with the running of the holiday let, these are not matters which override the conflict with the development plan identified under the main issues.

Conclusion

17. The change of use from annex to holiday let accommodation would result in significant harm to the character and appearance of the area. There would also be some limited harm to the living conditions of neighbouring occupiers. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.
18. For the reasons given above I conclude that the appeal should be dismissed.

M Russell

INSPECTOR