



Appeal Decision

Site visit made on 10 May 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/W5780/W/21/3287809

12 Derby Road, South Woodford, London E18 2PU

- 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 Ms Michelle VanLint against the decision of London Borough of Redbridge.
 - The application Ref 1342/21, dated 26 March 2021, was refused by notice dated 1 June 2021.
 - The development proposed is described as 'continued use of an outbuilding for a mixed use of holiday let accommodation and uses ancillary to the dwelling house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The outbuilding is currently used as a holiday let. On this basis, permission is sought retrospectively.
3. The Council refer to the National Planning Policy Framework (the Framework) dated 2018 and the London Plan 2016. In July 2021 a revised Framework was published and in March 2021 a revised London Plan was published. For clarity, I have determined the appeal within the context of these revisions, in respect of which the parties have had the opportunity to comment at appeal.
4. The Council has made reference to a noise complaint which may have been made in the vicinity of the appeal property. However, the details and location of this complaint have not been substantiated by the Council and as such, it has had no bearing on my decision.

Main Issues

5. The main issues are whether the use is suitable in this location, and the effects of the development on local character and appearance and the living conditions of the occupants of neighbouring properties.

Reasons

Location

6. The appeal property is a large two-storey detached dwelling which is situated within a relatively quiet residential street. The dwelling has a rear patio area and large grassed garden with well-established plant borders. The garden is bounded on either side and at the bottom by neighbouring residential gardens.

There is a gated side path, which allows pedestrian access from the road to the rear garden of the house.

7. A single storey, timber clad outbuilding is at the bottom of the garden. I understand this building has planning permission as a summer house for general, playroom and storage use. It has however, been used as holiday accommodation for paying guests since 2016 and can accommodate up to two adults without reliance on the host property. It has a main sleeping/living area and separate shower room and toilet. This planning application has been submitted to formalise this use as a year-round holiday accommodation.
8. Policy LP13 of the Redbridge Local Plan 2015-2030 (Local Plan) seeks to locate Class C1 uses within Metropolitan District and Local Centres or in locations with good public transport connections. I accept that, in the terms in which the application has been made, the scheme is potentially mixed use (i.e. ancillary and holiday accommodation). Nonetheless it is clear from the foregoing that the building could be used independently as holiday accommodation (as it has been). The appeal site does not accord with the first of the LP13 criteria by being outside the Ilford Metropolitan District. However, this policy does state that even if this is not achieved, development may still accord with the policy if it has good public transport links to central London.
9. South Woodford Underground is, I accept, a short walk from the dwelling and there are several bus services operating close by. However, based on the Public Transport Accessibility Level (PTAL), the site is classified as being in a level 2 area, which is relatively poor. The PTAL rating considers several factors including walk time and service availability. In that context the location cannot be said to have good public transport links to central London, and thus would be supported by Policy LP13.

Character of area and living conditions

10. I appreciate that there are no changes to the appeal property or the outbuilding in terms of visual appearance and character. However, holiday accommodation use here will inevitably have changed the vehicular and pedestrian movement character that would normally be expected consistent with the prevailing pattern of residential use.
11. The development is situated within a residential garden in a relatively quiet area. There are local shops, restaurants, and services nearby, but these do not discernibly impinge upon the character or noise levels within the rear gardens. In comparison, the movements, at what will be various times of the day or night, given the appellant's reference to the site's convenience to Stanstead Airport, could be disruptive. This represents an intensified use over and above what might be expected within a residential area associated with an ancillary building.
12. Access to the outbuilding is adjacent to a shared neighbouring boundary. The increased intensity of use, potentially unsociable hours, in comparison with the private use of a playroom or storage area, will lead to increased movements along this access. Whilst I note that no objections have been raised by the neighbours, this is likely to result in noise and disturbance in addition to associated vehicle movements from private cars or taxis.

13. I am told that the building itself is constructed with enhanced acoustic insulation. However, this does not mitigate noise from the building if the front door is open, if the guests use the small front outdoor or garden areas, or from comings and goings. Although noise from garden use is an expected occurrence from time to time within residential areas, intensification of the use and introduction of regular guests would alter this character.
14. I appreciate that the building is only large enough to accommodate two guests but there is no guarantee that they will be quiet. Similarly, while it is acknowledged that the appellant lives near the outbuilding and can therefore control the use of the building with respect to noise, there is no guarantee that they will always be in attendance while the accommodation is used. As such reliance on this form of noise control cannot be certain.
15. I therefore find because of its location and the nature of the use that would occur were this appeal to be allowed, the development would adversely affect the living conditions of neighbouring occupants in conflict with the relevant provisions of policy LP13 of the Local Plan and also LP24.
16. The appellant has raised the possibility of a fallback position whereby rooms within the dwelling could be used as holiday accommodation without the need for planning permission. However, this would be a different type of development with such activity contained within the house, thereby being more consistent with the prevailing baseline characteristics of the area. Thus I attribute little weight to the appellant's argument in that regard.
17. A condition limiting the use to 56 days a year, and therefore the potential intensity of use, has been suggested by the appellant. However, it is unclear how this could be enforced and as such, a limited level of use could not be guaranteed.
18. In conclusion, the holiday accommodation use harms, and would harm, the surrounding character of the area. The development conflicts with Policy LP13 and LP24 of the Local Plan which seek, amongst other matters, to protect the character of the area, living conditions of neighbouring occupiers and sensitive location from noise pollution.

Other Matters

19. It is undisputed that the proposal would have economic benefits within the area and there are no concerns regarding highway safety or flood risk. Moreover, I do not doubt that relatives of local people may use the accommodation from time to time to visit. However, any such benefits would be very limited, and the acceptability of the proposal in other respects is effectively neutral in my assessment of the case. Consequently no other matters alter my overall reasoning above.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR