



Appeal Decision

Site visit made on 24 January 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/Z3445/W/22/3306268

3 Mickleton, Stonydelph, Tamworth B77 4QY

- 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 Daran Pazzaglia against the decision of Tamworth Borough Council.
 - The application Ref 0011/2022, dated 11 January 2022, was refused by notice dated 16 June 2022.
 - The development proposed is the change of use C3 to C1.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the property was no longer being used as a dwelling (C3) and was instead being used as a holiday home (C1). This appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
3. The description above has been taken from the planning application form. However, I have removed the phrase "continuation of property as Airbnb" as this is not a description of development and is superfluous.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbouring occupiers, with particular regard to privacy, noise and general disturbances.

Reasons

5. The appeal site is accessed off Mickleton, a residential cul-de-sac, it contains a detached dwelling sited fairly centrally with a driveway and garden to the front and a further garden to the rear. Although deep, the plot is narrow, and the neighbouring properties and gardens are sited close to the host property. In respect of this layout the site is fairly typical of the road. At the time of my visit, as noted above, the appeal site was being used as holiday accommodation.
6. Whilst holiday homes have some similarity with residential dwellings, in that they would be used in a largely domestic sense, I find that there would also be differences in the intensity and character of the use. Primarily, whilst people may come together to celebrate, socialise and relax in a residential dwelling, this is likely to be occasional and more often limited to weekends. In contrast,

holiday accommodation is more likely to be used in this fashion for prolonged periods and across weekdays as well as weekends. Given the close proximity of the neighbouring dwellings, I find this noise would be disruptive to neighbouring occupiers' quiet enjoyment of their properties. I find such disruption would be exacerbated when the garden is used as there would be little to no noise attenuation afforded by its boundary treatments.

7. I am mindful that the appellant has put rules in to place for guests staying at the property, including a curfew for the use of outside spaces after 21:30 and warnings during the booking process regarding noise levels. I also note that neighbouring occupiers are able to report disruptive behaviour to the appellant and that close circuit television cameras (CCTV) are monitored by the appellant. However, the management of these measures primarily relies upon disruptive behaviour occurring and then being reported to, or noticed by, the appellant. I also cannot be certain how often the appellant will monitor the CCTV or if they could be reached by their phone at all times. Therefore, whilst these measures may reduce the impact of disruptive levels of noise, I do not find that they would be sufficient to protect the living conditions of neighbouring occupiers.
8. The appellant has submitted that the warnings during the booking process often result in bookings being cancelled. While this demonstrates a reduction in the risk of the above harm occurring, it also suggests how people intend to use the property and I can't be confident that all those who intend to make a greater degree of noise will cancel their booking.
9. People arriving at, and leaving, the property are likely to make a level of noise, whether this is by foot or in a motor vehicle. Nevertheless, comings and goings are typical of residential areas, with trips generated by residents for commuting, shopping, education, socialising, and recreation. Whilst the reason for a journey may be different at the holiday accommodation, the character of the noise and disturbance it would generate would be similar. Therefore, and as it is unlikely that the level of comings and goings has significantly altered as a result of the development, I do not find that the impact on the living conditions of neighbouring occupiers, in this regard, to be unacceptable.
10. Although I note concerns regarding the privacy of neighbouring occupiers, I find that, in this regard, the holiday accommodation is occupied in the same way as a residential dwelling and would not have resulted in any greater increase in overlooking or the loss of privacy. Moreover, no physical changes have been undertaken or are proposed as part of this appeal which could have resulted in harm to the privacy of neighbouring occupiers. As such, I find there to be no detriment to the living conditions of neighbouring occupiers with regards to privacy.
11. Mickleton is a relatively narrow road, and the provision of on-street parking spaces is limited by the presence of dropped kerbs. There is the potential for guests to park on the road, whether by choice or because the on-site parking is full. It is likely, however, that on-street parking associated with the holiday accommodation is limited and sporadic as on-site parking for three vehicles is provided. Moreover, the dwellings along Mickleton would also hold the potential for on-street parking for similar reasons. As such, I find the development is unlikely to have resulted in uncontrolled parking to the detriment of the living conditions of neighbouring occupiers.

12. Given the close nature of the dwellings surrounding the appeal site, its use as a holiday home intensifies the potential for unacceptable levels of noise and disturbance. Therefore, the development unacceptably harms the living conditions of neighbouring occupiers and conflicts with Policy EN5 of the Tamworth Borough Council Local Plan 2006-2031, and in particular point (g) which requires developments to minimise or mitigate unacceptable levels of noise for the benefit of neighbouring occupiers. The proposal would also conflict with Paragraph 130(f) of the National Planning Policy Framework which seeks to promote health and well-being, including a high standard of amenity.

Other Matters

13. The appellant has submitted that there have been few noise complaints and that one complainant has moved away. They have also referred to support for the scheme having been voiced. However, the lack of objections or complaints does not preclude me from making an assessment or finding harm. Moreover, whilst one of the complainants may have now left, this does not mean that the above identified harm has been overcome.
14. Moreover, whilst the appeal site may be able to be used as a house in multiple occupation (an HMO), I have not been provided with any details to demonstrate that there is more than a theoretical possibility of this fall back position. Furthermore, the two uses, an HMO and holiday accommodation, are not similar in their use. Consequently, this has not been determinative in my consideration of the appeal.
15. The development has likely resulted in some benefits to the local economy as it provides accommodation for visitors who are likely to use local services, facilities, and attractions. However, as it provides only one holiday home this benefit is very modest and would not outweigh the harm identified above.

Conclusion

16. The proposal would harm the living conditions of neighbouring occupiers and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR