



Appeal Decision

Site visit made on 7 February 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/M0933/W/22/3307981

Fellbank, Great Heads Road, Grange-Over-Sands LA11 7EA

- 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 Matthew Wilkin against the decision of South Lakeland District Council.
 - The application Ref SL/2021/0281, dated 22 March 2021, was refused by notice dated 26 August 2022.
 - The development proposed is change of use from garage to holiday let.
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Decision

1. The appeal is allowed. Planning permission is granted for change of use from garage to holiday let at Fellbank, Great Heads Road, Grange-Over-Sands LA11 7EA in accordance with the terms of the application Ref SL/2021/0281 dated 22 March 2021 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21010 01 & 21010 03 Rev D.
 - 3) The building shall be used for short term holiday letting purposes only, for a maximum of three months (cumulative) in any one calendar year by any family, group or individual. The owner/operator shall maintain an up-to-date register of the names and addresses of the occupiers of the building and shall make the register available at all reasonable times to the local planning authority upon request.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of adjacent dwellings, in particular 9 Great Heads Road (No.9) with regard to overlooking and noise and disturbance.

Reasons

3. The appeal site relates to a large existing garage which sits within the garden of the dwelling, Fellbank. Land levels slope reasonably steeply upwards from the south-east to the north-west on the residential Great Heads Road, allowing views back towards the bay.

4. As a result of the topography, the garage sits above the adjoining No.9 and its gardens. I accept that the change of use would result in some additional comings and goings and activity on this corner of the site.
5. However, given the omission of any openings within the elevation or the roof slope of the building which faces No.9, there would be no overlooking from within the building itself. It would not be possible to take in any proper views towards No.9 from the windows in the south-west elevation due to the deep positioning of the building on the site, which means it is tucked well away from other dwellings on the street. The window arrangement would significantly limit any noise or disturbance to No.9 when the holiday let would be in use.
6. The garden for the dwelling would appear to be limited to a small area to its rear, set away from the boundary. It would be possible for guests at the let to see into the side elevation and garden areas of No.9 above the existing boundary hedging which appeared to be trimmed to height.
7. However, being a parking area, this is not likely to be an area of the site where guests would spend any length of time. Therefore, the impact on the living conditions of the occupiers of No.9 as a result of comings and goings would be limited. There would be no significant adverse effects with regards to overlooking with regard to the occupiers of No.9 nor any other adjacent dwelling.
8. I am also mindful of the size of the holiday let. This is limited to two bedrooms only and would therefore not be likely to be utilised by larger groups who may be likely in combination to cause more noise and disturbance. The potential for any unacceptable noise and disturbance is therefore limited. There is therefore not likely to be any significant adverse impacts on the living conditions of the occupiers at No.9 nor any other adjacent dwelling with regard to overlooking and noise and disturbance.
9. There would therefore be no conflict with policies DM1 and DM2 of the South Lakeland District Council Local Plan Development Management Policies (2019). Amongst other things, these require that development ensures the delivery of acceptable levels of amenity and privacy for existing occupants and that development creates a positive relationship with surrounding uses.

Other Matters

10. There is no compelling evidence before me with regard to any covenants in place in the area with regard to the occupation of dwellings and I afford this matter limited weight. The Council have not raised any concerns with regard to highways matters and I have no reason to disagree. The proposal seems clear that access would be gained from Great Heads Road and the plan on which the proposal was determined does not indicate access from the adjacent caravan park.

Conditions

11. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. A condition limiting the occupation of the building is necessary in the interests of the living conditions of the occupiers and to define the consent.

Conclusion and planning balance

12. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR