



Appeal Decision

Site visit made on 20 February 2024

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2024

Appeal Ref: APP/N4720/W/23/3330655

92 Westbury Place South, Belle Isle, Leeds LS10 3DA

- 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 K Hasan against the decision of Leeds City Council.
 - The application Ref 23/03901/FU, dated 22 June 2023, was refused by notice dated 11 September 2023.
 - The development proposed is retrospective planning consent for the change of use of the existing dwelling house to short term let.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has sought retrospective consent for the proposed change of use. As such, I was able to observe the property in its current and proposed use during my site visit. However, at the time of my visit, mid-morning, there was very little activity at the property or the surrounding area. Nonetheless, I have taken the retrospective nature of this proposal into consideration in determining this appeal.
3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and I have determined the appeal in accordance with that most recently revised document. However, in my assessment the revised Framework results in no substantive changes to any relevant policy relating to this appeal.

Main Issue

4. The main issue is the effect of the proposed change of use on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance.

Reasons

5. The appeal property is a mid-terraced 'back-to-back' dwelling located in a high density, tightly formed residential area comprising mostly of similar types of properties. Westbury Place South is a cul-de-sac with a brick wall at the closed end of the street forming the boundary with Hunslet Cemetery to the south. To the north is the M621 motorway which passes the site and to the southeast is the Stourton Park and Ride facility with footpath connections linking to the appeal site.
6. Planning permission was sought retrospectively for the proposed change of use from Class Use C3 to Sui Generis (short term let). The appellant has stated that the property is to be let Monday to Thursday, mainly to contractors working in the Leeds area, and at the weekend from Friday to Sunday when generally let to two people.

7. Policy P10 of the Leeds Core Strategy and saved policy GP5 of the Leeds Unitary Development Plan (UDP) are the relevant policies to this appeal. These policies, amongst other matters, concern planning considerations relating to the impact of proposals on amenity including where proposals should contribute positively to placemaking, quality of life and wellbeing as well as seek to avoid problems that would diminish these attributes.
8. I acknowledge that the regular and frequent principle of the use of a dwelling as a short term let may well be considered acceptable. However, this must be dependent upon the specific circumstances of each case. In this case, taking account of the appellant's indication as to the nature of the use of the property proposed, and indeed as is understood to currently be the case, I find that the regular and frequent turnover of people at the property is, and will be, significant. As the property is a mid-terraced back-to-back dwelling situated in a high-density residential area, the change of use would be highly noticeable. The proposed use is already taking place and it is acknowledged that there is no evidence before me to indicate how disruptive or otherwise this is for neighbouring occupiers. However, the transient nature of the use proposed here and the significant levels of change over activity at the property resulting from it would potentially be highly disruptive to neighbouring occupiers.
9. The property is in a relatively quiet location despite its proximity to the M621 motorway. The fact that the motorway passes the locality with noise reduction features in place considerably reduces the sound heard from motorway traffic at the site. The nature of the proposed use generates several harmful impacts which conflict with the neighbouring and adjacent residential use. In addition to the higher turnover of staying guests, there is the consequential increase in the comings and goings of people to and from the property. Moreover, particularly with its use by contractors, as indicated by the appellant, many of these movements could occur at unsociable hours which conflicts with the general lifestyle of residential neighbours.
10. I note the appellant's point that the impact of the proposed change of use would not be any greater than that of a two-bedroom family dwelling. In my view, the transient nature of those staying at the property, the regularity of change overs and the potential for comings and goings to and from the property during unsociable hours leads me to consider that such frequency of activity would be significantly greater than were the property in use as a family dwelling and on a longer term let. On that basis, I find that the level of noise and disturbance occurring at the property as a family dwelling would be less for neighbouring residents than the proposed use.
11. Moreover, the high turnover of lettings associated with the change of use would contribute to a more transient character and lifestyle in the locality. I find this to be particularly harmful to the living conditions of neighbouring occupiers and would be an erosion of the sense of community cohesion that is sought through policy P10. As a result, the change of use to short-term letting of the property is significantly harmful to the living conditions of both neighbouring occupiers adjacent to the property and neighbours in the wider street and is therefore considered unacceptable.
12. The potential for an increase in anti-social behaviour resulting from the change of use which would adversely impact the living conditions of the local residents has been raised as a potential harmful impact. I acknowledge that this is a possibility. However, there is no evidence before me to indicate this is or would be the case. Nonetheless, taking all of the relevant factors into account, it is my assessment that the harm resulting from the change of use, as proposed, outweighs the factors in favour of the proposal.
13. Therefore, having assessed what is before me, I find that the change of use, as proposed, and the intensification of the use of the property would have a significantly harmful impact on the living conditions of neighbouring occupiers with regard to noise and disturbance. Accordingly, it is contrary to the wider aims of policy P10 of the Leeds Core Strategy in

terms of protecting residential and general amenity of the area and potentially would have a detrimental impact on community cohesion. Furthermore, the proposal is contrary to saved policy GP5 of the UDP in terms of its impact on loss of amenity and to the relevant guidance contained within Section 8 of the Framework.

Other Matters

14. I have had regard to the other matters raised by the Council and other parties in relation to the loss of a family dwelling and the impact of the change of use on street parking in Westbury Place South resulting from the change of use proposed. However, as I am dismissing the appeal on the substantive issue concerning living conditions, a detailed assessment of these other matters is not necessary as, in any event, doing so would not alter my overall conclusion.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

Inspector