



Appeal Decision

Site visit made on 8 May 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2024

Appeal Ref: APP/H0520/W/24/3336278

14 West Street, St Ives, Cambridgeshire PE27 5PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Helen Cripps against the decision of Huntingdonshire District Council.
 - The application Ref is 23/00030/FUL.
 - The development proposed is change of use of annexe to a sui generis use for standalone tourist/short term accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The change of use is indicated to have already taken place. I assess the proposal on this basis. I have also used the more succinct description of development given on the Council's decision notice and the appeal form.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring occupants.

Reasons

4. The annexe is a one-bedroom, self-contained unit within a rear extension to the dwelling at 14 West Street, though the evidence indicates that the unit is not wholly independent of the main dwelling. The unit shares the rear garden of No 14, which forms an L-shape that wraps around behind the neighbouring dwelling at No 14A. The occupants of No 14 have a right of access across the driveway/external space of No 14A to their rear garden. This is also the only means of accessing the annexe without going through the dwelling at No 14.
5. The use of the annexe for short-term tourist accommodation is stated to have begun in early 2022. The neighbouring occupants state that prior to this, use of the right of access by occupants of No 14 was infrequent and with no negative impact on their living conditions. Since that time, the neighbouring occupants attest to visitors passing their windows multiple times a day, unknown people entering onto their land, guests wrongly identifying the back door of No 14A as the annexe accommodation and guests parking on or in front of the drive of No 14A, blocking the occupants in.
6. The appellant argues that the right of access over No 14A establishes the legitimacy of the development, that the intensification of movements would be minimal and that guests would be instructed on access and parking to prevent

- disturbance to No 14A. The appellant further argues that the ground floor windows of No 14A are visible from the public realms and there is no material effect on neighbours' privacy.
7. The appellant estimates that use of the annexe by guests would be for around 50% of the year. This is a significant amount of time and in no way a 'modest' percentage as described. Use of the annexe for short-term accommodation involves regular turnover of guests and the associated activity of arriving and departing, including parking at or near the accommodation to move luggage. The nature of holiday use is that guests will come and go more frequently than permanent residents, and at more unsociable hours. To my mind, therefore, there is a material difference between tourist accommodation and permanent residential use, which if ancillary to the main dwelling would generally involve use of the main front door to No 14 and not the access over No 14A.
 8. The Council has not explicitly pursued loss of privacy as a significant impact, noting as the appellant does that the ground floor windows of No 14A are visible from the public realm. However, from the footpath, I saw that the windows stand perpendicular to the road and views are at oblique angles where glare would reduce the possibility of invasive views. I find that there is a significant difference between glances from passers-by along the footpath outside of a closed gate, and clear views into living spaces from visitors or other unknown persons who have entered through the gate. The fact that unknown persons could enter the neighbours' property, and pass immediately by their living areas with unobstructed views in, represents a serious and harmful loss of privacy. Moreover, such level of access afforded to unknown persons would create a constant sense of unease for occupants and increase the risk to their security and that of their property.
 9. I also find there is a clear distinction to be drawn between occasional access for functional purposes by occupants of No 14, who would by and large be known to the occupants of No 14A, and regular, repeated access by unknown guests at various and unpredictable times of the day and night. The unknowable timing of comings and goings would be a further source of anxiety for neighbouring occupants, whilst the gravel surfacing would create noise and disturbance as guests pass through, particularly late at night when ambient noise levels are lower. The fact that the Council accepts that tourism use of the annexe itself would not otherwise cause unacceptable noise and/or disturbance does not alter my view on these impacts arising from use of the access.
 10. I note the measures proposed by the appellant to mitigate the effects on the neighbouring occupants, but I am not persuaded that informing guests would be sufficient, as it would ultimately be impractical to enforce restrictions on the number or timing of trips by guests across the neighbours' land. In any event, even limiting numbers or times of trips would not eliminate the loss of privacy and increased security risk identified above, which would persist for neighbouring occupants for as long as the annexe is used for tourism purposes.
 11. Moreover, I am not persuaded by the appellant's point that right of access over No 14A establishes the legitimacy of the development. I am not provided with any deeds or other documents which set out the particulars of this right, but the occupants at No 14A state that access is limited only to occupants of the dwelling at No 14 and does not convey any further rights. However, even if a right of access exists, this is separate to the considerations to be made under a

planning application and does not impart any acceptability in planning terms or supersede other considerations. Indeed, rather than establishing legitimacy, it is the use of the access itself which is the source of the harm in this instance.

12. For these reasons, I conclude that the appeal scheme causes significant harm to the living conditions of neighbouring occupants through loss of privacy, and increased noise, disturbance and security risk. This is contrary to Policy LP14 of Huntingdonshire's Local Plan to 2036 (May 2019) which supports proposals where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings, including with respect to overlooking, privacy, risk and perceived risk of crime and noise. There would also be conflict with the aims of the National Planning Policy Framework that developments should ensure a high standard of amenity for existing and future users, and with the related guidance of the National Design Guide.

Other Matters

13. The appellant refers to a first floor flat across the road at 17 West Street which is used for tourist accommodation. I have no further details of this development but noted on site that it is above a business use at ground floor level and appears to have separate access to the side of the building. As such, it is not a comparable situation to the appeal site, and this does not alter my findings above, which are based on the specific circumstances of the site.
14. The Council did not oppose the proposal in terms of highway safety, biodiversity or flood risk. There would also be no physical alterations and therefore no harm to the appearance of the area. However, an absence of harm in these matters means they are neutral considerations in the overall planning balance.
15. The proposal would provide additional tourist accommodation within an accessible location. However, the benefit of this would be modest considering the limited scale of the development. Similarly, economic benefits accruing to the appellant or from expenditure by guests in the local area would be modest in scale and matters of limited weight in favour of the proposal.
16. Whilst the appellant refers to the development making effective use of the property, this does not override the need for the development to be acceptable in other respects, and given my findings above, tourist accommodation would not represent a suitable or effective use of the annexe.

Conclusion

17. For the reasons set out, the appeal scheme conflicts with the development plan, taken as a whole, to which I afford significant weight. Material considerations in this case do not outweigh this conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR