



Appeal Decision

Site visit made on 16 April 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/D1590/W/23/3333854

49 Christchurch Road, Southend-on-Sea SS2 4JW

- 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 Mr and Mrs K Turner against the decision of Southend-on-Sea City Council.
 - The application Ref is 23/01441/FUL.
 - The development proposed is change of use from dwellinghouse (Class C3) to short-term let rental unit (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice since this describes the proposal in detail.
3. The change of use has already taken place and I note that the application had been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issues

4. The main issues are:
 - whether the appeal site is within a suitable location for visitor accommodation with particular regard to the Council's spatial strategy and housing stock; and,
 - the effect of the appeal proposal on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Location of visitor accommodation and effect upon housing stock

5. The appeal proposal is for the use of a two-storey terraced dwelling as short-term visitor accommodation. The property contains two reception rooms, a kitchen, cloakroom and utility area at ground floor, along with a substantial rear garden. At first floor there are 4 bedrooms, a main bathroom and one ensuite. It is located within a street of similar terraced residential properties, comprising single dwellings or flat conversions. The surrounding area is largely residential and is outside the city centre.
6. Policy DM12 of the Southend-on-Sea Development Management Document 2015 (DMD) concerns visitor accommodation. It states that new visitor

accommodation will be focused within the Southend Central Area, London Southend Airport area and at locations with good access and a clear and strong relationship with the Seafront. The supporting text to Policy DM12 confirms that the seafront is not a defined area, but proposals will be considered on a site-by-site basis, taking account of connectivity, including whether there are clear, convenient and direct walking routes to the seafront.

7. From the appeal site, it took me 17 minutes to walk to the seafront following the route given as an example in the appellants' evidence. The seafront is clearly within walking distance, but given that it is almost a mile away and in an otherwise residential area, I do not accept that it has a clear and direct relationship with the seafront. The location is otherwise well connected, with several bus routes serving Southchurch Road, though they go through the city centre, rather than serving the seafront. Although good access is one of the requirements of Policy DM12 for new visitor accommodation, I am not persuaded that this is sufficient to overcome the requirement of the policy that the location in question should have a clear and strong relationship with the seafront.
8. Policy CP8 of the Southend-on-Sea Core Strategy 2007 (Core Strategy) concerns dwelling provision. It seeks to resist the loss of existing residential resources, having regard to the need to safeguard an adequate stock of single-family dwellings. Although the policy pre-dates the National Planning Policy Framework (the Framework) and refers to out of date housing delivery numbers, the aims of the policy about meeting the housing needs of the local community, is consistent with the approach of the Framework.
9. The Council's July 2023 figures on housing delivery confirm a 4.18 year supply of deliverable housing sites. Whilst the appellants maintain there is an adequate supply of family housing in the area, there is no substantive evidence provided which clearly contradicts the Council's position. The use of the property as a short-term let prevents it from being available for use as permanent housing. In the context of the shortfall in supply, and the Council's stated constraints on land supply within the City, the loss of a single dwelling is materially harmful to the supply of housing. Whilst I appreciate the appellants' point that the loss is of a very small scale, such incremental losses to the housing stock can cumulatively add up to be significant.
10. Due to the conflict with Policy DM12 of the DMD, and for the reasons given above, I conclude that the appeal property is not in a suitable location for visitor accommodation. The appeal site's use as visitor accommodation would also conflict with Core Strategy Policy CP8 which, amongst other things, aims to resist the loss of residential resources and maintain an adequate stock of family dwellings. It also conflicts with the aim of the Framework to boost the supply of housing, given the shortfall in deliverable housing sites within the city.
11. The Council also references Policies KP2 and CP4 of the Core Strategy in their reason for refusal. These policies are strategic in nature, setting out a range of principles to guide sustainable development and design; they are not directly determinative in relation to this issue.

Living conditions of neighbouring occupiers

12. I recognise that even if the house was in use as permanent residential accommodation, it could be occupied by a large family, or equally by one person. The nature of visitor accommodation is also such that the occupancy can vary, along with how groups of people may choose to use the property. In this case, the house can accommodate at least 8 people in the 4 bedrooms, and more if a sofa bed was used in the ground floor reception room. Many of the interested parties make reference to the property being advertised with an 11-person capacity.
13. The frequent change overs, pattern of movement and timing of people entering and leaving the house, along with associated vehicle movements, have the potential to cause significant disturbance to neighbours, particularly if a large group is staying. This is particularly so in the context of a densely developed area with neighbouring residential windows and gardens in close proximity. I have had regard to the comments of interested parties and the appellants' statement regarding the occupier prior to the house being converted to short term let accommodation. The comments of interested parties clearly reference the occupants of the holiday accommodation as well as the previous tenant.
14. The appellants state that the property is managed by a specialist lettings agency with a manager who can be contacted at any time, and there are rules that guests are expected to abide by. Whilst I appreciate that this offers a means of addressing issues of an anti-social nature that arise as a result of the holiday let, it would be incumbent on neighbouring occupiers to pursue any issues with the manager. It would not necessarily be a means of preventing those issues arising and it would not address the day-to-day intensity of use potentially resulting from the use of the property by large groups.
15. I conclude that the appeal proposal would cause unacceptable harm to the living conditions of neighbouring occupiers with regard to noise and disturbance. It would therefore be contrary to Core Strategy Policy CP4 and Policy DM1 of the DMD. Amongst other matters, these policies seek to ensure that development protects the amenities of immediate neighbours and the surrounding area.
16. The Council also references Core Strategy Policy KP2 and DMD Policy DM3 in their reason for refusal. Policy KP2 sets out strategic design principles and DM3 relates to the efficient and effective use of land; I consider neither are determinative on the issue of noise and disturbance.

Planning Balance and Conclusion

17. The use as short term let accommodation contributes to the local economy and tourism. Visitors would use local shops and services and the use provides employment opportunities in the management, maintenance and cleaning of the accommodation. Given the single unit of accommodation, these benefits are at a small scale.
18. However, the appeal site is not suitably located for visitor accommodation, as identified in the development plan. The harm I have identified in terms of the location of the visitor accommodation, the effect upon the City's housing stock, and living conditions of neighbouring occupiers, outweighs the identified benefits.

19. As such the appeal proposal is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal should therefore be dismissed.

L Francis

INSPECTOR