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# Appeal Decision

Site visit made on 15 July 2024

**by C Skelly BA (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 August 2024**

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**Appeal Ref: APP/C2741/W/24/3339398**

**14 Newlands Drive, York YO26 5PQ**

- 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 Michael Overington against the decision of City of York Council.
  - The application Ref is 23/01236/FUL.
  - The development proposed is described as "change of use from residential to AirB&B".
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The above description of development is taken from the application form. However, the proposal would be more accurately described as a change of use from residential dwelling to short term holiday let. The Council used this wording on its decision notice and that is the basis on which I shall determine the appeal.
3. The Council does not cite any development plan policies on its decision notice. However, reference is made to the City of York Local Plan Publication Draft 2018 (the PDLP). This emerging plan has not been adopted, and so while it appears to be at an advanced stage of preparation, I cannot yet accord it full weight. Nevertheless, it is a material consideration in my consideration of this appeal.

## Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular reference to noise and disturbance.

## Reasons

5. The appeal site is a detached bungalow with a front garden and driveway running down its side. The property contains two bedrooms, a shower room and kitchen/living room. It is located in a residential area, which comprises a mix of similar style bungalows and semi-detached houses.
6. The site is located between 12 Newlands Drive, a bungalow, with an extensive garden to the rear, and the double garage of No 16, a two-storey detached

property. The back garden of the appeal property borders the long rear gardens of Nos 257 and 259 Beckfield Lane.

7. The proposal is for the change of use of the dwelling to a holiday let. The appellant expects the property to be available for let for two weeks per month on average, with family members using the property for the remainder of the year. Part time staff will be hired to clean the property and to advertise and arrange bookings. The frequency of cleaning will be dependent on how often the property is let and for how long.
8. Paragraph 135 (f) of the National Planning Policy Framework (the Framework) says that development should create places that are safe, inclusive, and accessible which promote health and well-being, with a high standard of amenity for existing and future users.
9. Policy ENV2 of the PDLP states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts which includes matters of unwanted noise in residential locations. PDLP Policy D1 seeks to enhance York's special qualities and prevent development which would cause harm to the character and quality of an area.
10. At the time of my site visit, which took place in the early afternoon of a sunny day the area was very quiet, with little activity taking place. The rear gardens of the surrounding properties would provide tranquil outdoor areas for the occupiers.
11. The appeal property is small in size and therefore its use is likely to be restricted to a family or similar group. Nevertheless, the pattern of comings and goings by visitors in the evenings is likely to be different from the lifestyles of permanent occupiers, particularly given the proximity of York City centre and its night time offer. A higher turnover of new visitors could contribute to a more transient character, which is likely to conflict with the general lifestyle of established residents.
12. Although there is no guarantee that the external spaces of a C3 dwelling would not be used regularly and during anti-social hours, there is potentially a greater risk of this occurring with a holiday let. Given the very quiet character of the area even a limited increase in activity would carry noise and cause disturbance to neighbouring occupiers.
13. The appellant lives opposite the property and therefore believes that any disturbance could be controlled. However, this may not always be the case and I do not have any other form of management plan before me that demonstrates that control of activities at the property would be practicable or enforceable.
14. The appellant has referred me to the presence of a small-scale House of Multiple Occupation (HMO) at 17 Newlands Road. However, a HMO is different to a holiday let in that it is occupied by tenants rather than people on holiday and is regulated by the Council.
15. I note that the proposal would have some limited positive impact on the local economy and that the site is accessible via public transport. However, this does not outweigh the harm outlined above.

16. I conclude that the proposed change of use would harm the living conditions of the occupiers of neighbouring properties with reference to noise and disturbance. The proposal therefore conflicts with paragraph 135 (f) of the Framework in relation to the creation of high standards of amenity for existing and future users.
17. The proposal would also be in conflict with Policies D1 and ENV2 of the PDLP, which seek to ensure that new development does not cause significant adverse environmental impacts, including unwanted noise and does not cause damage to the character and quality of an area. These policies do not form part of the development plan for the purposes of my s38(6) balance but the conflict with the emerging policy weighs against a grant of planning permission.

### **Conclusion**

18. Although I have not been directed to any development plan policies, material considerations indicate that the appeal should be dismissed.
19. For the reasons given above the appeal should be dismissed.

*C Skelly*

INSPECTOR