



Appeal Decision

Site visit made on 20 January 2025

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/C2741/W/24/3350732

17 Penley's Grove Street, York, North Yorkshire, YO31 7PW

- 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 Christopher Rymer against the decision of City of York Council.
 - The application Ref is 23/00768/FUL.
 - The development proposed is change of use from a domestic rental property into a short term let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal involves the change of use of a dwelling house (use class C3) to short-term letting accommodation for up to 10 people (sui generis use).
3. The Council's decision notice refers to Policy ENV2 of the Draft City of York Local Plan (2018) (LP). The LP examination process is well advanced, with hearings and consultation on main modifications concluded. Given the advanced stage of the LP and the fact that the thrust of the policy reflects national planning policy, I shall afford it significant weight in my decision.

Main Issue

4. The main issue is the effect of the change of use on the living conditions of surrounding residents.

Reasons

5. No 17 is a large traditional double fronted end terrace property containing 5 double bedrooms. In the past it was a private family home, but it has since changed to holiday accommodation. Internally, as well as the normal furnishings, it contains a pool table and will no doubt be popular with groups of younger people or larger families with children visiting York. There is also a garden at the rear containing tables and chairs for guests.
6. It is attached to a dwelling on one side and at the other side is a driveway associated with the adjacent funeral director's business. To the rear there are more modern properties. The surrounding area is predominantly residential comprising a mix of flats and dwellings. Generally, the pattern of development is dense.
7. The appeal site is located close to the city centre and within easy walking distance of all the tourist attractions, shops, bars and restaurants and so it is likely that large

groups stopping at the property will be returning on foot in the evening or early hours of the morning which is when noise and disturbance is likely to be most troublesome to local residents. Whilst the property is currently occupied on far less days than if it were permanently occupied by a family, people on holiday are more likely to go out on a regular basis in the evening and as a whole group compared to a family living in a house permanently who might go out in smaller groups and less frequently. In my view they are also likely to use the garden to sit in on a more regular basis and as a larger group compared to a family living at the property permanently.

8. Moreover, people are I consider more likely to respect their neighbour's well-being and living conditions if they live next door to them permanently, compared to if they are just staying for a short period. Indeed, people often behave differently on holiday compared to how they would at home, and this can include drinking more and being louder and more boisterous, particularly if they are part of a big group.
9. Overall, I find that the comings and goings from this property late at night and from the use of the garden is likely to be harmful to the living conditions of surrounding residents. As such the proposal conflicts with LP Policy ENV2 which seeks to protect residential amenity.

Other Matters

10. Whilst only one resident has objected to the proposal that does not mean that it is not affecting other people in an adverse manner or that just because one person is adversely affected the change of use is acceptable.
11. I realise that the appellant has invested a significant amount of money in the property and its conversion, however this is not a reason to allow an unacceptable change of use. I also appreciate that the appellant has gone to some lengths to try to dissuade stag and hen parties from using the property and that he has provided a telephone number to neighbours to call if there is problems with anti-social behaviour at the property. However, this means that the neighbours will already have been disturbed and had to experience such behaviour.
12. I note that there is a funeral directors business next door to the appeal premises, and whilst on occasions there may be comings and goings here at night this is likely to be quieter and more respectful than a large group of people returning from a night out. In terms of the nearby care home the noise from residents outside is likely to be in the daytime or early evening, not late at night.
13. Also, it seems that the works were carried out without planning permission as the appellant was initially advised that planning permission was not required. This is a matter to be taken up with the Council as the appeal process only deals with issues that arise following the submission of the appeal.

Conclusion

14. For the reasons given above the appeal should be dismissed.

Louise Crosby

INSPECTOR

