



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/07/2024

Appeal reference: CAS-03217-T4P6S7

Site address: The Haven, Gypsy Crescent, Llanfoist, NP7 9LT

- 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 Mrs Eleanor Hughes against the decision of Monmouthshire County Council.
 - The application Ref DM/2023/00182, dated 31 January 2023, was refused by notice dated 25 July 2023.
 - The development is proposed use of an existing, detached residential outbuilding for holiday let accommodation.
 - A site visit was made on 11 June 2024.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In relation to the second reason for refusal, the appellant has submitted a drawing of the parking area in support of this appeal (Drawing No. Front Garden/Parking Plan PL/03). As it does not alter the proposal, I have had regard to it in my decision.
3. A previous planning permission was granted for alterations to the outbuilding for use ancillary to the main dwelling (app ref: DM/2019/01879). A condition of that permission restricted its occupation for purposes ancillary to the residential use of the existing dwelling. Although it appears that the outbuilding has been used as a holiday let in the past, I have no evidence to suggest it is currently being used as holiday let accommodation. I have considered the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed development on a) the living conditions of the occupiers of Sunnyside and Rotherslade, having particular regard to privacy and noise and disturbance; and b) pedestrian safety.

Reasons

Living Conditions

5. The appeal relates to a small outbuilding located at the end of the rear garden of a detached bungalow located within a row of similar dwellings with long and narrow rear gardens. The garden slopes gently down to the rear boundary of the site from the raised

patio directly adjacent the rear elevation of the dwelling. A ramp and a set of steps lead from the raised patio into the garden. A path leads from the steps to the outbuilding, parallel to the eastern boundary of the site. Due to the limited width of the site, the outbuilding is close to the rear gardens of the adjacent dwellings, Sunnyside and Rotherslade. These gardens have corresponding levels with the appeal site and are separated from it by high boundary fences and some hedging on the shared boundary with Sunnyside. To the front of the outbuilding is a patio area and a hot tub. Owing to their location within a quiet residential area, the appeal property and the adjacent dwellings have a peaceful and tranquil setting.

6. Guests would access the holiday let via the narrow path in between the appeal property and Rotherslade. Once in the rear garden they would have to walk the entire length of the garden. Whilst there would be some limited views into the rear garden of Sunnyside from the set of steps near the shared boundary, such views would be transient and not direct and would not result in a level of overlooking which would significantly harm the privacy of the occupiers of Sunnyside. Similarly, due to the high fence on the shared boundary with Rotherslade, there would be no unacceptable loss of privacy for its occupiers.
7. Nevertheless, the proposal would involve a regular turnover of occupants that would significantly increase the comings and goings of people, unconnected to the existing dwelling. This would result in associated noise and disturbance from people talking, especially if in high spirits, listening to any music and generally using the hot tub and patio. Furthermore, due to the small size of the accommodation, it is likely that guests would be more reliant on the outside space for sitting out and cooking, especially in favourable weather conditions, and given that the hot tub and patio area would be the principal external amenity space for guests, it would be likely to be intensively used. The proposal would therefore increase the activity in this part of the garden significantly above that associated with an outbuilding ancillary to the existing dwelling.
8. Whilst the outbuilding and its patio area is some distance from the rear elevation of the adjacent dwellings, and would only accommodate up to two guests, given the close proximity of the patio and hot tub to the adjacent gardens, noise and disturbance and the increased comings and goings would be audible to neighbouring residents whilst in their gardens. This would be particularly noticeable in the context of the tranquil rear gardens which would heighten the impacts of the proposal to an unacceptable degree.
9. I note that the Council's Environmental Health Officer has not commented on the appeal proposal and did not raise any concerns in terms of the previous proposal (app ref: DM/2019/01879), however, this does not alter my findings on the proposal which I have considered on its planning merits. I recognise that some landscaping has been undertaken in the rear garden and that there are several trees within the appeal site and the adjacent gardens, however, this would do little to mitigate the impacts of the proposal that I have identified.
10. I conclude that the proposal would be harmful to the living conditions of the occupiers of Sunnyside and Rotherslade, contrary to policies DES1 and EP1 of the Monmouthshire County Council Adopted Local Development Plan (LDP) which seek to, amongst other things, maintain and protect the amenities of occupiers of neighbouring properties.

Pedestrian safety

11. The appeal site includes a paved driveway to the front of the dwelling and an integral garage. I saw that the driveway has been widened and has the width to accommodate 2 cars, in addition to the existing garage. Although the Council has concerns that there is

insufficient space for a vehicle to park on the driveway without overhanging the footway and obstructing pedestrians, the submitted plan (Drawing No. Front Garden/Parking Plan PL/03), shows that the depth of the driveway exceeds the Council's required depth of 5m. Furthermore, at the time of my site visit, a large car was parked in this space and I saw that it did not overhang the footway. Consequently, I am satisfied that the proposal demonstrates that the required car parking can be provided on site to serve both the existing house and the proposed holiday let without obstruction to pedestrians.

12. I note the representations in relation to the amount of parking provided and that the vehicular crossing has not been extended to accommodate the widened driveway. However, the Council have raised no concerns in relation to the number of parking spaces to serve the existing dwelling and the holiday let, and as the proposal consists of one bedroom accommodation, I do not disagree. The provision of a widened vehicular crossing could be controlled by other legislation.
13. I conclude that the proposal would not have a harmful effect on pedestrian safety and complies with policy MV1 of the LDP which seeks to ensure, amongst other things, that development proposals make satisfactory provision for parking.

Other Matters

14. The proposal does not provide for biodiversity enhancements in accordance with national and local planning policy. Nonetheless, I am satisfied that a planning condition could be imposed to secure such enhancements and as I am dismissing the appeal on other substantive grounds, this is not a determining issue in my decision.
15. The appeal site is located within the catchment of the River Usk Special Area of Conservation (SAC) where I am required to consider the phosphorus impact of proposed development. Although the Council consider that there would be no likely significant effect on the SAC, having regard to Natural Resources Wales's advice, the proposal would result in the use of the outbuilding as a holiday let and would no longer be ancillary to the main residence. This could lead to an increase in occupancy by residents from outside the SAC river catchment. Therefore, the proposal has the potential to increase the amount of phosphates being discharged from the site. In these circumstances, proposals require further assessment. However, as I am dismissing the appeal for other reasons, I have not considered the matter further.
16. I have had regard to the potential benefits of the provision of tourism accommodation, however, given the modest scale of the proposal these benefits would be limited, and would not outweigh the harm to living conditions which is an overriding consideration.

Conclusion

17. Although I have found no harm to pedestrian safety, this does not outweigh the harm I have identified to the living conditions of the occupiers of the neighbouring dwellings. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

H Smith

INSPECTOR