Planning Inspectorate

Appeal Decision

Site visit made on 25 March 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/M3835/W/24/3354617
40 Beechwood Avenue, Salvington, Worthing, West Sussex BN13 2HS

- 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 Bishop against the decision of Worthing Borough Council.
- The application Ref is AWDM/0554/24.
- The development proposed is the conversion of detached garage to form a holiday let.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form describes the development as part retrospective, but I was able to see during my site visit that the development has been completed in accordance with drawing no ADC 1588/03 A. I have therefore determined the appeal on this basis.

3. The appellant has disputed the description of development in their appeal statement, but as the description of development is taken from the application form, I see no reason to amend it. I have however deleted 'part retrospective' as this is not an act of development and used the following description, 'conversion of detached garage to form a holiday let', which accurately describes the development that has occurred.

Main Issues

4. The main issue is the effect of the development on the living conditions of occupiers of neighbouring dwellings with particular regard to 42 Beechwood Avenue.

Reasons

5. The appeal site is located in a residential area comprising semi detached properties within curtilages of varying sizes. By virtue of being located where Beechwood Avenue turns through 90 degrees, the appeal property has a triangular shaped curtilage which results in a narrow frontage and a large rear garden.

6. The appellant has identified a demand for flexible, short-term accommodation in suburban locations. Policy DM12 of the Worthing Borough Council Local Plan (WBCLP) supports the provision of tourism facilities provided, amongst other things, they are acceptable in environmental and amenity terms. Policy DM5 reinforces this by requiring new development not to give rise to an unacceptable

increase in noise which would have significant adverse impacts on the occupiers of adjacent properties.

7. Behind the appeal building is an area which has been fenced off from the rest of the garden, and to the front is a paved parking area served by a gated access. The subdivision of the host property's curtilage and the shared parking facilities are indicative of an intensification of use of the property compared with the level of activity ordinarily associated with a single dwelling house. Use of the holiday let is likely to be highest in the summer months, which is when guests will be most inclined to utilise the garden area. Whilst such an intensification of use is not inherently in conflict with the residential character of the area, the living conditions of neighbours in a relatively tight knit residential area must be protected in accordance with WBCLP policies DM5 and DM12.

8. The evidence from my site visit and the testimony of interested parties indicates that the holiday let causes noise and disturbance. The juxtaposition of the guests' garden area with the decking and patio area of no 42 Beechwood Avenue means that, even with an intervening close boarded fence, guests' outdoor activities are likely to disturb the adjoining occupiers, and potentially other neighbours as well. This is especially the case because of the anticipated frequency and intensity of use of the garden area in warm weather. I am mindful that the appellant has offered to delete the garden area from the proposals, but in the absence of an alternative proposal for the treatment of this area, I am unable to deal with this suggestion as part of this appeal.

9. I appreciate that the appellant lives and works on site and can thus supervise the guests, but the appellant's personal circumstances could change, and in any case such an arrangement is not a reliable means of controlling disturbance. I have noted the suggestion of a management plan to restrict the hours of use of the garden area, but as the nuisance could occur at any time and is not confined to late evenings, such a condition would not be adequate. It has been suggested that the occupancy of the holiday let be limited to a maximum of two guests, but such a limitation would not control the use of the garden area.

10. The travel pattern of guests is likely to differ from residents, with more frequent movements particularly in the evenings, The narrow entrance to the property and the pinch point next to the house make the manoeuvring of vehicles within the site difficult. The gating of the entrance and the lack of markings to delineate the turning area, along with the fact that a section of the shared driveway is currently being used for storage, all underline the potential for conflict.

11. While the appellant has indicated that the parking area in front of the holiday let is available for the sole use of guests, the evidence from interested parties shows the same car parked on several occasions in the driveway, blocking the parking spaces identified on the plans. The consequence is that cars are required to manoeuvre excessively within the site, with resultant disturbance to neighbours.

12. I therefore conclude that the development gives rise to significant adverse impacts on the living conditions of occupiers of neighbouring dwellings, with particular regard to 42 Beechwood Avenue, through an intensification of use and a resultant increase in noise and disturbance. The development is therefore contrary to policies DM5 and DM12 of the WBCLP, the aims of which I have outlined above.

Other Matters

13. The appellant has highlighted that noise and disturbance were not raised by the Council in relation to the refused applications for a dwelling to the south of the host property. However, it is the characteristics of holiday makers rather than the introduction of a separate unit of accommodation which is the determining issue within the proposal before me.

14. For the same reason, the fact that the holiday let only accommodates two people, whilst the host property and other dwellings in the area can accommodate more people, is not a reliable indicator of the degree to which the holiday let intensifies the use of the site, given the behavioural characteristics of guests as outlined above.

15. I note the lack of an objection from environmental health, but as their comments related solely to hours of construction, they have little bearing on the appeal. The appellant has pointed to the lack of cooking facilities within the holiday let, but this does not necessarily correlate with the extent to which guests use the garden area, and indeed it could encourage guests to cook outdoors instead, causing disturbance as a result.

16. The appellant and interested parties disagree on the extent to which nearby streets can absorb overflow parking from the site, and I am aware that there is no highways objection. However, my concern is not with the availability or otherwise of on street parking, but with the excessive onsite manoeuvring of vehicles which in my view gives rise to disturbance.

Conclusion

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

J Heppell

INSPECTOR