
Appeal Decision

Site visit made on 14 March 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 April 2017

Appeal Ref: APP/B5480/W/16/3164575

21a Frederick Road, Rainham, Essex RM13 8NJ

- 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 Ms Lisa Griffiths against the decision of the Council of the London Borough of Havering.
 - The application Ref P1587.16, dated 14 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is described as "the outbuilding exists in the garden (see drawing) is currently being used as a beauty room for friends and family, I would like to change the use to a beauty room for paying clients."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Officer Report explores the nature of the existing use of the outbuilding. However, the issue of whether planning permission would be required for the use of the premises as a hobby serving family of friends is not a matter for me to determine in the context of an appeal made under section 78 of the above Act. The Council determined the application on the basis that the proposal would be a change of use of the outbuilding for business purposes and I have considered the appeal on the same basis.

Main Issues

3. The main issues raised by this appeal are the effect the proposed use would have on the living conditions of occupiers of neighbouring residential properties and on highway safety.

Reasons

Neighbours' living conditions

4. The appeal relates to the use of a single storey, free-standing outbuilding in the rear garden of a semi-detached house. A side gate allows access to the garden and outbuilding independently from the house. The site is located in a predominantly residential area with dwellings in the immediate vicinity generally closely spaced to one another. The house has a paved forecourt which the appellant states can accommodate two vehicles. The appellant advises that she uses the building to provide beauty treatments for family and friends and seeks to expand this to a business use between the hours of 0930
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- and 1430 on weekdays. The other house in the semi-detached pair and the adjoining dwelling on the other side are both situated in close proximity to the appeal site making their relationship to one another a sensitive one.
5. The activity associated with a customer visiting the property is unlikely in itself to be of a nature that would give rise to unacceptable levels of noise or other disturbance. However, even a limited number of clients visiting during the proposed weekday hours would have a frequency, repetition and regularity of comings and goings which would be materially more intensive than that which would reasonably be expected to be associated with that of the domestic use of a single dwelling, including the non-commercial use of the outbuilding. Whilst the activities taking place in the outbuilding would be unlikely to be disruptive in themselves, again their level of intensity and frequency would exceed that which would be associated with purely domestic use of the facilities. This cumulative effect and regularity of use would lead to disturbance to neighbouring occupiers.
 6. Furthermore, the building is not so small as to limit use to just the appellant and a single client at a time and the building is divided internally into two discrete areas, one with a beauty couch and one with a nail desk. There is therefore the potential for more than one customer at a time to visit in the future if the business grows in popularity, even if that is not the appellant's intention.
 7. Although the appellant considers that most of her clients would travel on foot there would be no way to effectively ensure that all customers visited the site as pedestrians. Although there is a bus service which uses Frederick Road the Council consider that the site is in an area of very poor public transport accessibility. In any event, even clients travelling from short distances away may choose to use a car to visit the premises, for instance in inclement weather.
 8. Customers' vehicle movements are likely to be more frequent than that which would be reasonably associated with the residential use of the site. It would be difficult to prevent customers arriving early for appointments, overlapping with others. Given the limited parking on site and the likelihood that at least one space would be occupied by vehicles associated with the household, this would lead to customers in vehicles parking on the adjoining highway, which the Council advise experiences high levels of existing on-street parking. As well as the disturbance from comings and goings of vehicles this would lead to inconvenience and frustration being experienced by surrounding residents and their visitors if on-street parking is in short supply at certain times.
 9. Even allowing for the anecdotal nature of the observations of neighbours, and that it might not be straightforward for an observer to differentiate between the appellant's customers and visiting family and friends, interested parties concerns about the proposal's effects on their living conditions are a matter I have taken into account.
 10. The proposed hours of business use would avoid disturbance early or late in the day. However it would be reasonable for neighbouring occupiers to expect limited levels of disturbance from such comings and goings in such a residential area even during the day. It cannot be assumed that all neighbours would be away from their homes during these times, for instance at work.

11. Although the activities would be contained within the building, its garden location would mean that comings and goings of customers would also lead to disturbance in locations where neighbouring occupiers could reasonably expect a degree of seclusion and lack of such disturbance in their rear gardens which adjoin the appeal site.
12. All this leads me to consider that business use of the premises would lead to activity that would materially harm the living conditions of occupiers of residential properties adjacent, and nearby, to the appeal site. The development would be contrary to Core Strategy¹ Policy DC61 which states that planning permission will not be granted where a proposal has unreasonable adverse effects on the environment, amongst other criteria. The development would not accord with the National Planning Policy Framework's (the Framework) core planning principle of always seeking to secure a good standard of amenity for all existing occupants of land and buildings.
13. I have considered whether these adverse effects could be mitigated by way of conditions limiting the intensity of use and other aspects. However I do not consider that in doing so would make the development otherwise acceptable.
14. I have noted that a neighbour has written in support of the development and offered parking within their property to try and avoid the need for customers parking on the road. However, as this would not be part of the appeal site there would be no mechanism for ensuring that such parking could be provided nor that it could be secured in the long term.

Highway safety

15. I am conscious that the Council's Principal Engineer considers that "Frederick Road is relatively narrow, conveys a bus route and currently has issues in some locations connected with high levels of existing on-street parking." However, I have not been presented with any substantive reasons to lead me to consider that additional drivers visiting the premises would behave in a way, or park in a manner, which would lead to a danger to other road users or pedestrians, even given the constrained nature of the road in the vicinity of the appeal site.
16. Whilst I have found that the development's effects on vehicle movements and parking would lead to inconvenience and harm to neighbours' living conditions, there is limited evidence to suggest that the increase in vehicle movements and on-street parking would necessarily lead to a harmful effect on highway safety. The proposal would not conflict with Core Strategy Policy DC33 which seeks maximum levels of car parking for new developments.

Other Matters

17. In support of her appeal the appellant has mentioned that there are three existing businesses on the road and specifically refers to a doctors' surgery which is located not far from the appeal site. When I visited the area I also noted a children's nursery farther up Fredrick Road. It would appear likely that such uses would generate a number of visitors, including those in vehicles, and which may be intensive at certain times of the day.
18. However, I have been presented with no evidence about patterns of use nor do I have any information about the history of these uses including whether they

¹ Core Strategy and Development Control Policies Development plan Document, 2008.

have permission and, if so, the considerations which led to their acceptability. I also noted that neither of these uses are situated behind dwellings and both are situated on corner plots where side roads meet Frederick Road with considerably more road frontage around them than the appeal site. Their situation is therefore materially different to that of the appeal site. The presence of these other establishments does not lead me to consider that the appeal development, which in any event I have considered on its own merits, would be acceptable.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, the development would harm the living conditions of occupiers of neighbouring residential properties and would be contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR