
Appeal Decision

Site visits made on 12 and 13 June 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 12 July 2017

Appeal Ref: APP/N2739/W/17/3170518

The Workshop, Low Street, Carlton, Goole, DN14 9PJ

- 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 Victoria Fenton against the decision of Selby District Council.
 - The application Ref 2016/1069/COU, dated 26 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is a change of use from A1 (hairdressers) to A3 (tea room).
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on: the safety and convenience of highway users; and, the living conditions of neighbouring residents, with particular reference to noise and disturbance.

Reasons

3. The appeal property, which is a small L-shaped 2-storey building, fronts onto the eastern side of Low Street; Convent Walk runs alongside its southern wall; its eastern wall is separated from the garden of No. 1 Convent Walk by a small walled yard; and, there is an area of gravelled hardstanding to the north of the building. The appeal property contains a hair and beauty salon at ground floor level and a first floor flat which is accessed using an external staircase from the small, walled yard area on the eastern side of the building. The proposal involves a change of use of part of the ground floor area of the building to a tea room, with capacity for 16 people. The remainder of the ground floor area would continue to be used as a hair and beauty salon.
 4. While the planning application was with the Council for consideration, a number of amendments were made by the appellant, which were taken into account by the Council when making its decision. These included the provision of 4 off-street parking spaces on the gravelled area immediately to the north of the appeal building, the proposed layout of which was shown on an amended site plan, date stamped as received by the Council on 2 November 2016. Whilst that land is outside the red-lined boundary of the site shown on the application plans, which only takes in the footprint of the building, the appellant has confirmed that it is land within her control. She has also confirmed that, although shown on an application plan, seasonal use of the
-

small yard area to the east of the appeal property as an extension to the proposed tea room does not form part of the planning application subject of this appeal.

Safety and convenience of highway users

5. Although the proposal would result in a reduction in the floor area associated with existing uses, I have not been provided with any compelling evidence to show that this would be likely to reduce the number of customers who routinely use those existing services. In any event, the proposed tea room would have capacity to seat 16 people. In my judgement, it would be likely to result in a significant increase in the number of customers calling at the premises.
6. Given the position of the appeal site, on a back street well away from the main road through Carlton, the majority of customers to the premises are likely to be residents of the settlement itself. Nevertheless, and notwithstanding that it may be possible to provide cycle parking facilities in the adjacent yard, I do not share the view set out in the appellant's *Paragon Highway Report* (PHR) that most customers would walk or cycle to the tea room. A resident of No. 1 has indicated that, from his experience of the operation of the hairdressers, he would expect all customers of the proposal to arrive by car. Whilst some may travel by other modes, I consider it likely that a significant proportion would be likely to arrive by car. In my experience, it is not unusual for people travelling relatively short distances to do so by car. Furthermore, some customers would be likely to call in on their way to or from other locations.
7. The Highway Authority has indicated that, taking account of the proposed uses within the site, 5 off-street car parking spaces should be provided, comprising: a customer parking space for the salon and another for the tea room; a space for residents of the flat; a delivery vehicle parking space; and, a drop off/pick up space. However, the basis for that assessment is unclear and there is no compelling evidence before me to show that that would be likely to cater for all parking associated with the proposed appeal site uses.
8. The planning application form indicates that The Workshop has 2 off-street parking spaces and it suggests that this would not change as a result of the proposal. However, the amended site plan submitted in support of the planning application indicates that 4 spaces could be provided on the gravelled area adjacent to the building. In my view, access to proposed car parking spaces nos. 1 and 2 would be likely to be obstructed by the post and rope barrier, which I understand has been erected by residents of No. 1 to demarcate the edge of their driveway and also by the gate to their property when it is open. Even if that were not the case, a car parked in proposed space no. 2 would be likely to be so close to the bottom of the external stairway leading to the existing first floor flat in the appeal property that it would unacceptably restrict access by residents. Furthermore, a vehicle parked in proposed space no. 4 would be likely to obstruct access to the ground floor front door of the premises. I consider it unlikely that it would be practical to routinely park more than 1 or 2 vehicles on the gravelled area controlled by the appellant. Under the circumstances, the proposal would be likely to lead to a noticeable increase in on-street parking in the vicinity of the appeal site.
9. Hereabouts Low Street comprises a 2-way single carriageway, around 5 metres wide, with a footway on either side, which provides access to the driveways of a number of properties as well as other residential streets. Due to the limited

width of the carriageway, when on street parking occurs on one side it is likely to prevent simultaneous 2-way traffic flow. However, at my site visits, during which there was on-street parking opposite the appeal site along the western side of Low Street, drivers adopted a well-mannered approach, taking it in turns to pass in each direction, without significant delays to the free flow of traffic. I have no reason to believe either that this was unusual or that the approach would differ if the proposal was to proceed.

10. However, I also saw that, in the vicinity of The Workshop, capacity to park on-street clear of neighbouring driveways and the junction with Almond Tree Avenue is limited. I consider that the proposal would increase the likelihood of drivers parking their vehicles so close to the junction with Almond Tree Avenue and neighbouring driveways that intervisibility between emerging drivers and others approaching along Low Street would be significantly reduced, thereby increasing the risk of collisions, and so as to make access to and from nearby driveways difficult.
11. Whilst the PHR suggests that network peak hours are generally between 08:00-09:00 and 17:00-18:00, that view has not been supported by a survey of traffic hereabouts. Based on my experience of highway networks elsewhere, although this may be a reasonable assumption concerning conditions on Mondays to Fridays, it is less likely to be the case on Saturdays, when many people do not travel to work. Under these circumstances, I give limited weight to the PHR assertion that the proposal, with proposed opening hours of 09:00-16:00 hrs Monday to Saturday (closed Sundays and Bank Holidays), would have no impact on the highway network during peak hours.
12. Whilst I understand that there have been no reported injury accidents along Low Street during the past 5 years (2012-2016), for the reasons set out above, in my judgement, the proposal would materially increase the risk of accidents occurring. I conclude overall, that the appeal scheme would be likely to harm the safety and convenience of highway users. In this respect it would conflict with Policies ENV1 and S3A of *Selby District Local Plan, 2005* (LP), which, between them, seek to secure good quality development and highway safety, in keeping with the aims of the *National Planning Policy Framework* (the Framework).

Living conditions

13. The appeal premises is separated from the garden of No. 1 by a small, walled yard area and the opening hours of the proposal would extend into the weekend when, in my view, residents of that neighbouring property are more likely to spend time in their garden and could expect a reasonable degree of peaceful enjoyment of that space. However, I consider that the proposal would be likely to give rise to a significant increase in activity, associated with customers within, as well as coming and going from, the appeal premises. In my view, this would be likely to result in a noticeable increase in the noise and disturbance experienced by residents of No. 1 when using their garden. I conclude that the proposal would be likely to have a significant adverse effect on the living conditions of residents of No. 1, with particular reference to noise and disturbance, contrary to LP Policies ENV1, ENV2 and S3A as well as Policy SP19 of the *Selby District Core Strategy, 2013* (CS), which are consistent with the aims of the Framework insofar as they seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

14. I have had regard to the views of the significant number of interested parties who support the proposal, the reasons for which include that it would provide a valuable meeting place, not least as it would be accessible to local residents, including those with mobility difficulties. It would also be likely to make a small contribution to the local economy, by, amongst other things, creating 2 part-time jobs and would gain some support from CS Policies SP2 and SP14 as well as the *Selby District Corporate Plan 2015-2020* insofar as they support economic development. These matters weigh in support of the scheme.
15. I have also had regard to the views of other interested parties who have objected to the proposal, a number of whom have raised concerns which are consistent with my findings on the main issues.

Conclusions

16. I conclude on balance, having regard to the likely economic, social and environment impacts of the scheme, that the benefits of the proposal would be significantly and demonstrably outweighed by the harm that I have identified. The scheme would not amount to sustainable development under the terms of the Framework and would conflict with CS Policies SP1 and SP13. Furthermore, I consider that it would conflict with the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR