
Appeal Decision

Site visit made on 5 July 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/M1520/W/18/3217783

54 Linden Road, Thundersley, Essex SS7 4BA

- 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 Emma Samagaio against the decision of Castle Point Borough Council.
 - The application Ref 18/0501/FUL, dated 18 June 2018, was refused by notice dated 28 August 2018.
 - The development proposed was originally described as single storey outbuilding with a flat roof over.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a workshop for commercial use (Use Class B1(a)) to the rear of the property. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of neighbours, as regards traffic, noise and disturbance from visitors to the hairdressing business operated from the new building;
 - parking provision, including as regards its effect on the character and appearance of the area; and
 - the working conditions within the building.

Reasons

Living conditions of neighbours

4. While I acknowledge that the hairdressing business would not be promoted through outside signage or advertising, and that bookings would be by appointment only, the proposal for a salon in the rear garden of the appeal property would create increased traffic movements and customer comings and goings in a reasonably densely-occupied and predominantly residential area. While I note that there is a roofing business at No 30 Linden Road, this is on a

section of the road around the corner to the appeal property near the busy A13 which is more commercial in character than the vicinity of the appeal site.

5. Even if restricted to times proposed by the Council by way of suggested condition, the development would entail customers arriving and departing the appeal site throughout much of the middle of the day and for much of the week. This would in my judgement cause a material increase in movements and an unacceptable disturbance to nearby residents, including from vehicles being manoeuvred and parked on the front drive.
6. Further, notwithstanding its proposed position at the end of the garden, the workshop would not be very far from the rear elevations of neighbouring properties and very close to their rear gardens. The comings and goings of customers to the workshop throughout the operating hours of the salon, and on a regular basis, would in my judgement cause a material adverse impact to neighbours through noise and disturbance.
7. For the above reasons, the proposed development would cause significant harm to the living conditions of neighbours, as regards traffic, noise and disturbance from visitors to the hairdressing business operated from the new building. As such, it is conflict with Policy EC3 of the Castle Point Borough Council Local Plan (LP) which seeks to protect residential amenity. It is also in conflict with the Paragraph 180 of the National Planning Policy Framework (Framework) which seeks to ensure that new development is appropriate for its location.

Parking provision/character and appearance

8. The frontage of the appeal site is partially hard surfaced and partially surfaced in gravel. Utilising both of these surfaces provides off-street parking for up to 5 vehicle spaces, and under the appeal proposal this would be used for customer vehicles in addition to those associated with the property's use as a dwelling. The Council agrees that 5 vehicle spaces is an acceptable number for the purposes of compliance with the LP and the Essex Parking Standards, but that the location of one of the spaces to the rear of the others would mean conflict with the LP as it could not be safely and conveniently accessed. However, given that it has been submitted by the appellant that the rear space would be occupied by her own vehicle during business hours it would in my view be safe and convenient for customers and other vehicle users to park forward of it.
9. Linden Road in the vicinity of the appeal site is characterised by reasonably-generous hardstandings to the front of properties, which are largely used for vehicle parking due the presence of double yellow lines on the highway. There is therefore a strong established visual pattern of vehicles parked before the front elevations of dwellings. Within this context, and notwithstanding that 5 vehicles could be parked at any one time, this would be a maximum and in any case there would be adequate space so as not to appear cramped. Therefore, the proposed parking arrangements would not harm the character and appearance of the area.
10. For all of the above reasons, the proposed development would not cause harm through its parking provisions and as such would not be in conflict with Policies EC2 and T8 of the LP, as supported by RDG12 of the Council's Residential Design Guidance (SPD), which together seek to ensure that parking proposals meet adopted parking standards while protecting character and ensuring that

all modes of movement are safe and convenient. The proposal would also be in accordance with the Framework in this respect.

Working conditions

11. As well as windows to the front elevation of the proposed building, windows would be provided to the west flank elevation which sits on or very close to the boundary of the site. Given the building's proximity to the boundary treatment with No 52 Linden Road, the amount of light entering through these windows would be restricted to an extent and it might not be possible to open them depending on design detail.
12. Notwithstanding the above, the front room served by a flank window would also be served by a window in the front elevation. The appellant has indicated on the appeal form that a plan submitted with the application was incorrect regarding the relative positioning of the office and storeroom, and that it is intended for the front room with the dual aspect windows to be the office with the rear room being a storeroom. In any case, the main workshop area of the salon would be significantly fenestrated on its front elevation. Further, regardless of the relative positions of the office and storeroom, the relatively tall flank windows would extend to just below the eaves and would provide some natural light and ventilation opportunities to these areas which would supplement artificial sources. In my judgement this would be adequate for the building's intended use.
13. For all of the above reasons, the proposed development would not harm working conditions and as such would not be in conflict with Policy EC2 of the LP, supported by RDG5 of the SPD, which together seek to ensure a high standard of design. It would not conflict with the Framework in this respect.

Conclusion

14. Due to harm that would be caused to the living conditions of neighbours, the proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is dismissed.

Andrew Walker

INSPECTOR