



Appeal Decision

Site visit made on 20 August 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/Q3060/W/19/3230373

78 Bracebridge Drive, Bilborough, Nottingham NG8 4PN

- 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 Elaine Dowling against the decision of City of Nottingham Council.
 - The application Ref 19/00601/PFUL3 (PP-07715358), dated 19 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is described as 'proposed change of use of existing residential dwelling previously used jointly for residential use and low footfall hair dressing salon for private clients only to independent ground floor hair dressing salon for footfall private clients only with independent DDA access entrance door, covered entrance canopy with ramp access, DDA wc, 1no DDA parking space and 1no additional off street parking space for building owner. With first floor converted to 2 bedroom independent flat with independent front entrance door with shared covered entrance canopy with ramp access, off street parking for 1no car'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form does not include details of the appellant's first name or title. For clarity, in the banner heading above, I have therefore used the appellant's details given on the appeal form.

Main Issue

3. The main issue in this appeal is:
 - The effect of the proposal on the living conditions of nearby residents, with particular reference to noise and disturbance and the availability of on-street parking.

Reasons

4. Forming a primary route through a large post-war housing estate, Bracebridge Drive is characterised by mainly semi-detached and terraced dwellings of similar appearance. Approximately 2km along the road is a small retail parade, incorporating a variety of shops and services. The appeal property at No 79 is a two-storey semi-detached dwelling at the end of Bracebridge Drive, at the junction with Burnside Green. It has a front driveway area that is partly hard-surfaced and part-landscaping.
5. At the time of my visit I observed that internally, the ground floor included a kitchen, waiting area and small hair salon facility. Upstairs, there were three

bedrooms and a bathroom. Over the last 15 years, the appellant has evidently been using the premises both as a residence and as a hair salon. There is no external advertisement of the business and clients attend by appointment. The appeal proposal would change the use of the ground floor to an independent hair salon with a separate flat upstairs.

6. The properties adjacent to and surrounding the appeal premises are all in residential use. Even in the absence of any specific signage and only one member of staff, the number of clients currently is typically between 4-5 a day between the hours of 8am and 6pm on Wednesdays to Sundays. This would amount to approximately 20-25 visits per week. The salon would also open until 8pm every 6 to 8 weeks. Over a recent three-month period, the appellant saw 194 clients.
7. It is likely that this would be a fairly consistent and sustained activity throughout the hours of operation. I appreciate that there would be closure for holiday periods and that, being a hair salon, clients are unlikely to be of a particularly disruptive nature. Nevertheless, such regular comings and goings of customers on foot and/or by car to the premises would be readily discernible from the levels of activity associated with a typical dwelling, and not insignificant as a result.
8. Furthermore, the plans indicate space within the hair salon for two chairs and two hair wash and dryer stations. I acknowledge the appellant's evidence that the additional station would be used by the appellant only. However, the proposal relates to the building and it would nonetheless be of a sufficient size to accommodate at least 2 members of staff. Whilst the opening times could be controlled by a planning condition if I were minded to allow the appeal, conditioning the number of staff and customers at the premises would be difficult to both monitor and enforce.
9. On the first floor, the creation of a separate flat would include the conversion of the existing front bedroom into a kitchen/dining room, adjacent to the party wall with the dwelling at 76 Bracebridge Drive. It is not unreasonable to assume that the noise associated with a kitchen/diner would be distinct from a bedroom due to the nature of its use. However, I have no evidence before me to demonstrate how the party wall would be sound insulated to mitigate for this change. In the absence of such measures, and even though the ground floor might be unoccupied when the salon is closed, it is likely that the proposal would therefore result in disturbance to these neighbouring occupiers.
10. In respect of car parking, the parties do not agree on the number of clients and staff that the proposal could accommodate. In the event that it was up to the maximum of 6 suggested by the Council, 4 of those would be on the roadside with 2 accommodated by spaces on the driveway, in addition to the one space allocated for the flat.
11. However, from my observations on site, whilst Bracebridge Drive is a busy route, on-street parking was plentiful at the time of my visit. I appreciate that it was during the day and a 'snapshot' of prevailing conditions, but I saw that whilst the immediate neighbours lacked off-street parking provision, many other properties close to the appeal site benefitted from a driveway. There is also a bus stop close by to offer a means of travel other than by private car.

12. Furthermore, the Council's Highways Officer raised no objection to the proposal on these grounds. I am therefore satisfied that Bracebridge Drive could accommodate any additional increase in parking demand arising from the increased intensity of the use of the site, without inconveniencing existing neighbouring residents.
13. For these reasons, whilst I find that the availability of on-street parking would be sufficient to accommodate the proposal, I conclude that it would, nonetheless, have a harmful effect on the living conditions of neighbouring residents in respect of noise and disturbance. It would therefore conflict with Policies H2 and NE9 of the Nottingham Local Plan (Adopted November 2005) and Policy 10 of the Greater Nottingham Aligned Core Strategies (Adopted September 2014). These policies, amongst other matters, seek to ensure that development safeguards living conditions and prevents noise pollution.

Other Matters

14. The dwelling presently incorporates a hair salon facility associated with its use as a residence and the appellant has a well-established customer base, built up over many years. I also recognise that the proposal would improve accessibility into the building by providing a ramped access, as well as incorporating an accessible WC. This would make it available to clients without requiring help from friends and family. Nonetheless, I must consider the formal application for change of use that has been submitted, and that is before me at appeal. In this context, the improvements to accessibility do not outweigh my findings on the main issue above.

Conclusion

15. For these reasons, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR