
Appeal Decision

Site visit made on 18 February 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/Y1945/W/19/3242133
22 Rother Close, Watford, WD25 0DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms D Richardson against the decision of Watford Borough Council.
 - The application Ref 19/01025/COU, dated 3 September 2019, was approved on 1 November 2019 and planning permission was granted subject to conditions.
 - The development permitted is the change of use from playroom to salon within converted garage (retrospective).
 - The condition in dispute is No 4 which states that: The hair salon shall not operate outside of the following days and hours: Monday to Saturday 9am to 7pm and at no time on Sundays and Public and Bank Holidays.
 - The reason given for the condition is: To protect the amenities of neighbouring occupiers.
-

Decision

1. The appeal is allowed and the planning permission Ref 19/01025/COU for the change of use from playroom to salon within converted garage (retrospective) at 22 Rother Close, Watford, WD25 0DW granted on 1 November 2019 by Watford Borough Council, is varied by deleting conditions 4 and 5 and substituting them for the following conditions:
 - 1) The use hereby permitted shall only operate between the following hours:

0900 - 1900 Tuesdays, Thursdays, Fridays and Saturdays except public and bank holidays

0900 – 2100 Mondays and Wednesdays except public and bank holidays
 - 2) The hair salon shall not accommodate more than 6 people on any of the operating days.

Procedural Matter

2. The wording of Condition 5 on the decision notice cross-references the hours of operation stated in Condition 4. The effect of allowing this appeal is to delete and substitute Condition 4 and this would have implications on the enforceability of Condition 5 in its original form. To remedy this, I have also deleted and substituted Condition 5 in a manner that does not affect its restriction on the numbers of people that can be accommodated per day, but which removes the wording within it which links to Condition 4.

Background and Main Issue

3. Planning permission has been granted for the appellant to operate a hair salon from a converted garage on their property. The appellant wishes to extend the opening hours from those originally imposed until 2100 on Mondays and Wednesdays. The main issue is the effect that these proposed opening times would have on the living conditions of neighbouring residents, with particular reference to noise and disturbance.

Reasons

4. The appeal site is positioned towards the end of a relatively extensive cul-de-sac located in an exclusively residential area. The converted garage which now serves as the hair salon is positioned to the rear of the property and it is accessed via an existing driveway which runs between the dwelling and the side boundary with 20 Rother Close. There are two off-street car parking spaces available to the frontage of the property.
5. Due to the proximity of the development to adjacent dwellings, and as the appeal site is located within a residential area, the principle of the disputed condition is necessary in order to ensure that the hours of use of the building are restricted to times that would not result in harm to the living conditions of nearby residents. The condition is also relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects.
6. The proposed extension of operating hours would allow the use of the hair salon further into the evening on Mondays and Wednesdays, meaning that there would be a greater potential for the use to encroach towards the later evening hours where adjacent occupiers could reasonably expect not to experience any degree of noise and disturbance from a non-residential use. However, the building is of limited size and this in turn limits the scale of operations which can take place and the frequency of movements to and from the site. Furthermore, the planning permission restricts the number of people which can be accommodated at the salon to 6 per day and this requirement would remain unchanged. There would therefore be no intensification in terms of the number of visits to the salon on a daily basis.
7. The proposed extended hours would also only be in place on two weekday evenings, out of the six days on which the use is already permitted to take place. The operation of the business until 2100, instead of the current finish time of 1900, on two days a week would represent a relatively limited extension to the hours during which the use can occur and would not result in a significant intensification of the operating hours that are currently allowed. With regard to car parking and in particular the potential of visiting cars parking on the public highway, the situation between the hours of 1900 and 2100 is unlikely to be materially different to that which would be in place between the hours that are already permitted.
8. Representations have been submitted which raise a number of points of objection to the use of the garage as a hair salon. However, these relate more closely to the principle of the development and the general impacts arising from it, both of which the Council has already deemed to be acceptable and with which I find no reason to take a contrary view. Whilst the extending of the operating hours could exacerbate these concerns and I am aware that the

Council itself considers that 2100 would be too late, I have outlined the circumstances of the case which mean that there would be no significant intensification of the use as a result of the proposed extension of hours, and no resultant harm to living conditions.

9. For these reasons, I conclude that the proposed extension of operating hours of the hair salon to 2100 on Mondays and Wednesdays would not cause harm to the living conditions of the occupiers of the adjacent dwellings on Rother Close as a result of noise and disturbance. Accordingly, there would be no conflict with Policy H15 of the Watford District Plan 2000 which seeks to ensure that proposals for non-residential uses in residential areas do not cause harm to the living conditions of the occupiers of adjacent properties. The appeal should therefore be allowed, with the planning permission varied as set out in the formal decision.

Graham Wraight

INSPECTOR