
Appeal Decision

Site visit made on 5 May 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/K0235/W/21/3269460
96 Mile Road, BEDFORD, MK42 9TD

- 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 L Bianco against the decision of Bedford Borough Council.
 - The application Ref 20/02883/FULL, dated 7 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as 'change of use and conversion of garage building to form salon and minor external alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the living conditions of occupants of neighbouring properties, with particular regard to the potential increase in traffic and visitors to the property and associated general activity.
 - Whether the proposed salon use would be in a suitable location with regard to the provisions of the development plan.

Reasons

Living conditions

3. The appeal premises comprise a semi-detached house located on the north side of Mile Road. It is set back behind a small front garden, part of which is a hard surfaced drive which leads to a single storey car port structure at the side of the house, containing a garage door. There is a similar attached structure at the neighbouring property, No 94, such that the gap between the two houses is filled.
4. In the rear garden of the house there is a single storey brick built outbuilding. It is sited a few metres behind the house and alongside its western garden boundary; it continues to the rear garden boundary with the rear gardens of dwellings on Harewood Road to the north. The outbuilding is composed of 2 parts. The front part has a dual pitched tiled roof and a garage door at the front; it was in use for domestic storage when I visited and this part of the building includes a WC. The second part, attached to the rear of the garage, has a shallow mono-pitch roof and is used as a store. The east elevation of the

- outbuilding contains a door to access the store and 6 windows, 2 in the store and 4 in the garage (1 being at a high level in the WC).
5. The appeal proposal seeks to upgrade, modify and adapt the outbuilding to create a salon for a hairdressing and beauty business. Externally, the main change would be to the front (south) elevation where the existing garage door and WC door would be infilled and a new entrance door and windows inserted. Internally, the works would create 3 rooms linked by internal doors. The front room would include the entrance, WC, kitchenette and an area for nail treatments. The middle room is notated as 'salon' and the drawing indicates 4 salon chairs and 2 seats for waiting. A 'beauty room' would be at the far end of the building and the plans show a single treatment bed.
 6. The proposed salon business use would result in activity in the form of the comings and goings of customers, along with any deliveries of supplies. Customers would be likely to access the salon both on foot and by car. There are some discrepancies in the submissions before me with regard to quantifying that activity. The application form states that the hours of operation would be 0900 – 1800 Monday – Saturday¹ and it does not include any employee information². However, the Planning Design and Access Statement (December 2020) says the hours would be 0930 – 1700 Monday – Saturday, that 2 members of staff would be employed, and that there would be maximum of 5 customers per day³. The appellant's Statement of Case says that there would be only 1 employee⁴, suggests that hours could be controlled by a planning condition, and refers to the 5 clients a day maximum being 'on average'⁵. There are also discrepancies with regard to car parking, with no customer or staff spaces indicated in the application forms and plans, whilst the appellant's Statement of Case claims that there are 4 spaces available.
 7. These inconsistencies do create a challenge in assessing the precise impact of the proposal. It is clear to me that, as a minimum, the proposal would be a full time business operating 6 days per week, that it would involve at least 1 employee, and that the business intention is to provide a range of hair and beauty treatments to up to 5 visiting clients per day. However, it is also apparent that the proposed salon has the potential to employ more staff and service greater numbers of clients, especially if all 3 rooms were in use at the same time.
 8. Based on the minimum scenario, the extent of the business related activity would be likely to be quite discernible by near neighbours and not insignificant. There could be 30 client visits in a week (30 arrivals and 30 departures) in addition to the comings and goings associated with the use of No 96 Mile Road as a dwelling. These business movements would be likely to be consistent and sustained throughout the hours of operation.
 9. It is unclear how many of these would arrive by foot or by car. For those arriving on foot, the public highway along Mile Road includes good quality footways linking to streets in the surrounding built up area. For clients arriving by car, there are no on street parking spaces outside the property, although there are spaces further along Mile Road. The property's front garden includes

¹ Application form question 19 response

² Application form question 18 indicates no employment.

³ Paragraph 3.3 - Planning, Design and Access Statement (December 2020)

⁴ Paragraph 1.3 Statement of Case

⁵ Paragraph 2.3 - Statement of Case

just one driveway space, which may be used by the dwelling's occupant. When I visited, I witnessed parking on the adjacent highway grass verge, and the worn nature of the verge suggests this is a frequent occurrence.

10. The submitted drawings do not show how customer parking would be accommodated on the site or where the claimed 4 spaces would be located. Based on the evidence before me, it is therefore likely that the use would generate a level of customer parking that cannot be accommodated on the site. This may in turn lead to amenity loss to neighbouring properties in the vicinity, as a result of customers in vehicles seeking to access the site and / or parking inappropriately, such as on the grass verge. This would be harmful to the living conditions of these neighbouring properties.
11. Once at the site, customers would either need to gain access through the house or via the side of the house through the existing car port, although there are no details to clarify how this will occur (the car port's garage style door was not operational when I visited). Customers would then walk a short distance through the small rear garden to enter and exit the salon. This would enable them to look into the neighbouring garden of No 98 Mile Road to the east, which has a relatively low boundary fence.
12. There would also be views from the windows within the side elevation of the proposed salon into the neighbour's property. These privacy impacts, along with the comings and goings of customers throughout the working week, would be a discernible and harmful commercial intrusion into this relatively peaceful and private residential back garden context. The effects are heightened by the relatively small garden sizes and the close proximity of neighbouring properties.
13. Clearly, a scenario with a greater number of employees and visiting clients would exacerbate the harmful effects that I have identified.
14. On this main issue, I conclude that the proposal would result in an increase in traffic and visitors to the site that cannot be accommodated without causing likely harm to the living conditions of occupiers of neighbouring properties in this primarily residential area. This would be contrary to policy LP32 of the Bedford Borough Local Plan 2030 (adopted January 2020) (BBLP) which requires new developments to take account of the need to avoid disturbance to neighbours.

Location

15. The appeal site is located within a primarily residential area. The BBLP policy 77S adopts a hierarchy of shopping centres comprising strategic, district, local and neighbourhood centres.
16. The appellant has challenged whether policy 77S is relevant, as the proposed use is not a main town centre use and salons are found in a wide variety of locations, including in isolated locations and some operating from dwellings. However, the policy's supporting text⁶ explains that it seeks to direct the right sort and scale of uses to the right type of centre, so that every day needs are met at a local level and wider needs accommodated in the larger centres.

⁶ Bedford Local Plan 2030 – paragraph 11.44

17. Whilst I agree with the appellant that salons are not main town centre uses, they are nonetheless commercial uses that are aimed at meeting customers' regular needs. As such, they are best located in the centres identified in the hierarchy which was informed by the BBLP's retail study which was updated in 2018. Such locations are generally more accessible by different modes of transport.
18. Whilst recognising that some longstanding salons may operate in more isolated locations and others, typically part time businesses, may operate from homes and beneath the threshold that would require planning permission, this does not lessen the importance of the policy 77S approach. Indeed, the harm I have identified under the first main issue with regard to neighbours' living conditions is a direct consequence of its poor location to accommodate such a commercial use, as opposed to a preferred location in one of the identified lower order centres.
19. On this main issue, I conclude that the appeal proposal would be in conflict with policy 77S, which seeks to direct shopping and similar uses to the most appropriate identified centre.

Other matters

20. I have taken into account the scope for using suggested planning conditions to limit the business. The use, operating hours and opening times could be controlled by a planning condition if I were minded to allow the appeal. However, conditioning the number of employees and customers at the premises would be difficult to both monitor and enforce. It would also be possible to require obscure glazing of windows in the salon to reduce loss of privacy, although customers arriving and leaving would still be able to see into neighbouring garden areas. Overall, I am not satisfied that planning conditions could adequately address the harm that I have identified.
21. I have also considered the appellant's submission regarding financial circumstances and the costs associated with more commonly used premises and locations for this type of business. However, these matters do not outweigh the conflict with BBLP policies and the harm I have identified.

Conclusions

22. For the reasons stated above, the appeal is dismissed.

P J Staddon BSc, Dip, MBA (Distinction), MRTPI

INSPECTOR