



Appeal Decision

Site Visit made on 6 July 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal Ref: APP/A4520/W/21/3272435

45 Hutton Row, South Shields NE33 3PB

- 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 Mr Jeff Leaney against the decision of South Tyneside Council.
 - The application Ref ST/0574/20/FUL, dated 9 September 2020, was refused by notice dated 29 January 2021.
 - The development proposed is described as “change of use and erection of a detached pent roof outbuilding to rear garden. Building to have a mixed use comprising a woodturning hobby and storage room, family garden entertaining room and commercial hairdressing area”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of neighbouring residents due to noise and disturbance;
 - highway safety with particular regard to parking; and
 - the vitality and viability of South Shields town centre and the Westoe Crown local neighbourhood shopping centre.

Reasons

Living Conditions

3. The location of the outbuilding in the corner of the rear garden furthest from the adjoining property together with the boundary fence would help to mitigate noise levels. There would be additional vehicle movements associated with the hairdressing business in addition to those associated with the occupation of the property as a dwelling. The application form states there would be three – four clients a day and the appellant’s appeal statement indicates six – seven. There could therefore be between around three – seven one-way vehicle movements a day associated with the hairdressing business. The vehicle movements, client comings and goings and associated noise would be noticeable at the appeal property, its rear garden and in the immediate vicinity. However, based on the number of clients indicated, it would not have a significantly harmful effect on the living conditions of occupiers of neighbouring properties.

4. The appellant indicates that clients visiting the appeal property would be limited as it is proposed to have just one stylist, the owner of the appeal property, for the business. Furthermore, mobile appointments would be offered. Given the floor area that would be available to the hairdressing use, there is a more than theoretical potential that the business operated from the appeal property could grow and therefore generate more clients to that indicated. It would be possible to restrict the hours of operation by a condition if I were minded to allow the appeal. However, conditioning the number of clients or specifying the proportion of the business to be for mobile customers and for clients visiting the appeal property would be unreasonable and difficult to enforce. It would therefore be difficult to control any future intensification of the hairdressing use.
5. I cannot be certain that a further intensification of the hairdressing business at the appeal property would not give rise to significantly harmful effects on the living conditions of occupiers of neighbouring properties. As such, the proposed use of the outbuilding as a hairdressing business would conflict with Policy DM1(B) of the South Tyneside Local Development Framework Development Management Policies (the DMP), adopted 2011, which requires development to be acceptable in relation to any impact on residential amenity.

Highway Safety

6. There is a double garage at the appeal property with additional space for the parking of two vehicles in front. The Council considers that the current car parking provision at the appeal property is in line with the guidance in the South Tyneside Local Development Framework SPD 6 Parking Standards (SPD6) adopted 2010, and that this level of car parking is appropriate for a dwelling of this size and in this location. The guidance in SPD6 advises that the maximum provision for dwelling houses and flats should normally be two spaces per dwelling plus one space per three dwellings for visitors. The information submitted by the appellant indicates that there would be dedicated customer off street parking for one client car. The Officer report identifies that this would be in line with the guidance in SPD6.
7. I observed the parking situation on Hutton Row and the area in the vicinity of the appeal property during my site visit early on a weekday morning. My site visit was only a snapshot in time and based on the evidence submitted may not reflect the parking situation during the start and finish times of the nearby primary school. Although there were a number of cars parked in the visitor parking bays on Hutton Row, I observed that there remained quite extensive unused parking capacity along the length of the road. Whilst there is demand for the parking bays within the vicinity of the appeal property there is no substantive evidence before me to demonstrate that existing parking causes significant harm to highway safety.
8. Consequently, I conclude that, even if there were to be some increase in demand for use of the parking bays arising from the proposed hairdressing business, this would not result in an unacceptable impact on parking in the area to the extent that there would be an unacceptable impact on highway safety. I therefore find that the proposed development would accord with Policy DM1(G) of the DMP which requires that the impact of development is acceptable in relation to highway capacity and safety. I also find no conflict with the guidance on parking space requirements in SPD6.

Vitality and Viability

9. Policy SC2 of the South Tyneside Local Development Framework Core Strategy (the CS), adopted 2007, sets out a hierarchy of town centres and seeks to focus proposals for retailing and other town centre uses within the three town centres of South Shields, Jarrow and Hebburn. Policy SA5 of the South Tyneside Local Development Framework Site-Specific Allocations (the SSA), adopted 2012, promotes and encourages proposals that broaden the range of shopping facilities to improve the vitality and viability of the Borough's district and other local neighbourhood shopping centres. It allows proposals for retailing provision on other sites only where they would not adversely impact on the vitality and viability of existing facilities and allocated sites within the designated town, district and local neighbourhood centres.
10. The National Planning Policy Framework (the Framework) states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
11. The appellant states that hairdressing has been recognised by the Government as a specific care sector meaning that it is no longer grouped with retail and should no longer be part of the retail core strategy policy or classed with retailing opportunities. However, town centre uses are not exclusively retailing. Hairdressers are a main town centre use and as such the sequential test does apply. No sequential test has been undertaken by the appellant.
12. The appeal property is in a residential area near to the Westoe Crown local neighbourhood shopping centre. It is also in relatively close proximity to the South Shields town centre. However, it would be classed as an out of centre location for the Framework purposes.
13. From the evidence before me and my own observations, there are a number of vacant units in both South Shields town centre and the Westoe Crown local neighbourhood shopping centre that could potentially accommodate the proposed hairdressing business. I have no substantive evidence before me to clearly demonstrate that these vacant units would not be suitable or available for the proposed hairdressing business. It would therefore fail to meet the sequential test in local and national policy as there are sequentially preferable locations available. As such, I cannot be certain that the proposed hairdressing business would not significantly harm the vitality and viability of South Shields town centre or the Westoe Crown local neighbourhood shopping centre.
14. My attention has been drawn to examples of businesses within nearby residential areas. I do not have background details of these other businesses and so I cannot be sure that their circumstances are the same or very similar to the proposed hairdressing business for me to draw any direct comparison. I therefore give these examples limited weight. In any case, I have determined the appeal on its own merits.
15. Consequently, the proposed hairdressing business would conflict with Policy SC2 of the CS and Policy SA5 of the SSA, the aims of which I have explained above. It would also conflict with the Framework, which requires the sequential

test to be applied to main town centre uses to help ensure the vitality and viability of town centres amongst other matters.

Conclusion

16. For the reasons given above, the proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR