



Appeal Decision

Site Visit made on 9 July 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2021

Appeal Ref: APP/V0510/W/21/3271119

53 Celandine View, Soham CB7 5DP

- 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 Faye Harris against the decision of East Cambridgeshire District Council.
 - The application Ref 20/00918/FUL, dated 15 July 2020, was refused by notice dated 17 September 2020.
 - The development proposed is described on the application form as: 'change of use of 2/3 of a detached garage, in a private, enclosed and off road driveway, to become a beauty room for only myself. This will have 2 parking spaces right outside, leading down to a private garden path to my garage. No changes to be made.'
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of two thirds of a garage to become a beauty room at 53 Celandine View, Soham CB7 5DP in accordance with the terms of the application, Ref 20/00918/FUL, dated 15 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM20197220128996; TQRQM20197220448238; Proposed Floor Plan.
 - 2) The use hereby permitted shall only take place between the following hours: 1000–1400 Mondays to Fridays (excluding Bank Holidays), and at no time on Saturdays, Sundays or recognised Bank Holidays.
 - 3) The use hereby permitted shall be carried on only by Mrs Faye Harris.

Preliminary Matters

2. In the interests of clarity and conciseness, I have used a description of development that focusses upon the change of use intended. This is set out within the first main paragraph of this decision. When compared to the description stated upon the application form, I have omitted superfluous text. I have also removed reference to the word detached, because the garage is not a detached structure. I am satisfied that no party with a potential interest in this appeal is prejudiced by me taking this approach.
3. The submitted Proposed Floor Plan is not drawn to a recognised scale. However, it is annotated with measurements and can be accurately interpreted when viewed and considered alongside other submitted plans. I am thus able to accept it as a plan for formal determination.

4. It was apparent upon inspection that the garage has already been converted. Indeed, the Council considered the planning application that is now the subject of this appeal based on the proposed use having already commenced. I shall consider the appeal on this basis.

Main Issue

5. The effect upon the convenience of highway users, having particular regard to the availability of parking.

Reasons

6. Policy COM8 of the East Cambridgeshire Local Plan (April 2015) sets out that development proposals should make provision for parking broadly in accordance with the Council's parking standards but that, in appropriate circumstances, parking standards may be relaxed in order (amongst other exceptions) to reflect accessibility by non-car modes. These standards indicate that two parking spaces per dwelling should ordinarily be provided, and that the number of visitor spaces required to serve sui generis uses (such as a beauty room) should be considered on merit.
7. The appeal property is a semi-detached dwelling that is served by a single garage and one surface parking space to the rear. It makes up part of a modern residential estate where I understand a conditional restriction is in place that dictates that, without attaining separate planning permission, garages are to be retained solely for the purposes of parking.
8. The estate incorporates various private off-street parking spaces, including within parking courts and garages. Furthermore, I have not been made aware of any other local instances of permission having been attained to convert garaging for purposes alternative to parking. The estate also offers a range of unrestricted on-street parking opportunities.
9. Whilst I observed several vehicles to be parked on-street in the vicinity of the site during my inspection, I experienced a readily useable and safe highway environment. Nevertheless, my visit did not take place at a time when peak levels of on-street parking would realistically have been anticipated. I also acknowledge that high volumes of on-street parking should not normally be encouraged and, at the estate in question, could offer the potential to cause inconvenience to local highway users.
10. The site occupies an urban location sited relatively close to Soham town centre and sits in proximity to bus stops (upon Fordham Road) offering services to a range of destinations, including Ely and Cambridge. It is thus a location that offers realistic potential for customers of the beauty room to utilise sustainable modes of transportation (including walking) to get to and from the site. This has been corroborated, to some degree, through written correspondence from several existing clients located at Soham addresses.
11. Even so, it is likely that at least some of the appellant's customers, particularly if not located within comfortable walking distance, shall choose to travel to and from the site via private motor vehicle. Moreover, the choices of individual patrons in this sense cannot realistically be controlled through the planning process. Furthermore, without a suitable legal agreement in place, neither could the continued availability of private spaces (situated outside of the appellant's control) be guaranteed.

12. However, the hours of operation that have been put forward are heavily restricted and concentrated upon late morning and early afternoon hours on working days. This is an important factor in this appeal. Indeed, these operational hours do not conflict with early morning or late afternoon/evening hours when levels of on-street parking demand would realistically be anticipated to be at their highest. It is also the case that the beauty room's restricted size dictates limited customer numbers.
13. I accept that the scheme results in the loss of the garage as a place to potentially park a vehicle and that, as a consequence, the appeal property is served by merely a single private surface space. Whilst this level of parking provision falls below the Council's relevant standard for a dwelling where not situated in a town centre, there are various other factors (as discussed above) to take into consideration. Indeed, the property in question forms part of a sizeable residential estate that is served by a range of off-street and on-street parking opportunities and the site's location promotes sustainable travel choices. Furthermore, the commercial use under consideration is focussed upon only a part of the property's garage and is to be heavily restricted in terms of its permitted hours of operation.
14. All matters considered, I find that the proposal has an acceptable effect upon the convenience of highway users having particular regard to the availability of parking and does not cause harm in this sense. The scheme satisfactorily accords with the requirements of Policy COM8 in so far as it sets out that development proposals should provide adequate levels of car parking.
15. The scheme accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

16. In the interests of certainty, a condition setting out a schedule of approved plans is required. In the interests of highway safety and protecting the convenience of highway users, a condition restricting permitted operating hours is both reasonable and necessary to impose. Furthermore, a condition setting out the name of the individual to benefit from the permission is both reasonable and necessary to impose. This is because justification for a commercial use at the site has been drawn from the personal circumstances of the appellant.

Conclusion

17. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR