



Appeal Decision

Site Visit made on 25 August 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/N1160/W/21/3274064

4 Stoggy Lane, Plymouth PL7 2DL

- 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 Miss Charlotte Hutchings against the decision of Plymouth City Council.
 - The application Ref 20/01146/FUL, dated 7 August 2020, was refused by notice dated 18 February 2021.
 - The development proposed is change of use from dwelling (Class C3) to mixed use comprising of side extension as hairdressing salon (Class E(c)(iii)) and continued residential use of the rest of the house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development from the Council's decision notice, which accurately describes the proposal, and is more concise than that provided on the application form.
3. During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Both parties have been given the opportunity to make comments relating to the updated Framework.
4. The application form indicates that the development was completed in July 2021, and the evidence indicates that the mixed use was in place at the time the appeal was submitted. However, at the time of my visit, the salon was not in use, and there was a sign on the door indicating that the hairdressing business had moved to different premises.

Main Issues

5. The main issues are:
 - a) The effect of the development on the living conditions of the occupants of surrounding residential properties with regard to noise and disturbance; and,
 - b) Whether the site is suitable for a hairdressing salon, bearing in mind development plan policies and national planning advice relating to main town centre uses.

Reasons

Living conditions

6. The appeal site comprises a detached house in a residential area that is comprised largely of detached and semi-detached dwellings on spacious plots. Much of the surrounding housing in Torridge Road, Newham Way, and Torridge Way is suburban in character, served by relatively wide roads and pavements, and with the buildings set behind generally low front boundary walls and hedges. By contrast, Stoggy Lane is narrow, without footways, and is contained on both sides by overgrown stone walls, vegetated banks, hedges, and trees. Consequently, it has a verdant, semi-rural character.
7. The constrained width of Stoggy Lane, its sharp bend, and its awkward junction with Parkstone Lane, mean that most of the vehicular traffic from the surrounding housing is likely to use Torridge Road in preference. I saw that the small amount of traffic that does use the lane travels at low speeds, on account of its nature. Combined with the low density of the housing, and the prevalence of trees and hedges, the area has a tranquil character, and residents have a high degree of residential amenity.
8. The hairdressing salon was created by the conversion of an existing single storey extension on the eastern side of the house. Externally this has resulted in the insertion of a set of glazed doors in the front elevation. Signage has been applied to these doors to advertise the business. The entire front garden area is gravelled, and a car-parking space has been delineated with bricks immediately outside the salon. The salon use is, therefore, readily apparent in views through the access from Stoggy Lane, and is an incongruous feature in its otherwise exclusively residential surroundings.
9. As well as the physical alterations, the use would result in the attraction of visitors to the site, and attendant activity in the front forecourt. The plans show that there would be two hairdressing chairs, a hair washing area, and a nail bar. If all three chairs were in use there would be at least six people in the building, with the possibility of other customers waiting in the reception area or having their hair washed. The nature of the use is such that there would be a regular turnover of customers, resulting in a significant number of visitors throughout the day. This level of activity would be noticeable and uncharacteristic in this quiet residential area.
10. The location of the site, and the lack of footpaths in Stoggy Lane, means that it is likely that a significant proportion of customers would arrive by car. The narrowness of the lane precludes on-street parking outside the site, although I saw at the time of my visit that there was capacity for cars to park in Newnham Way or David Close. However, as the submitted plans show five car-parking spaces on the gravelled forecourt, it is unlikely that customers would regularly resort to parking in the adjacent streets. Nevertheless, the regular arrival and departure of traffic, and the attendant manoeuvring of vehicles on the gravelled surface, would result in a significant level of disturbance to the occupants of the dwellings to either side.
11. No 3 Stoggy Lane has living accommodation with windows close to the western boundary of the site. The front garden of this house is only separated from the forecourt of the appeal site by a fence of about 1.5 metres in height. The plans show three parking spaces immediately adjacent to this boundary. The parking

of vehicles, and their departure from these spaces, together with the slamming of car doors so close to the boundary, would result in regular disturbance to the occupants of the adjoining property, at a level that would not be expected in a residential area. Consequently, there would be harm to their residential amenity.

12. The salon is immediately alongside the boundary with 6 Stoggy Lane, which has ground and first floor windows facing the site in close proximity. The boundary between the properties is marked only by a loose screen of vegetation. The noise of vehicles entering and leaving the site, and manoeuvring on the forecourt would, therefore, be readily evident to the adjacent occupants. Furthermore, the doors to the salon are very close to the boundary, so noise from within the building, such as hairdryers, would be likely to be heard in the adjoining garden whenever the doors were opened to allow customers to enter or leave, or, potentially, if they were left open to allow ventilation on hot days. This noise and disturbance would be uncharacteristic of this residential area, and would be harmful to the living conditions of the adjoining occupants.
13. For these reasons, I conclude that the development would be out of character with its quiet residential surroundings. Noise and disturbance generated by the use would be harmful to the peaceful residential living conditions of the occupants of the adjacent dwellings. The proposal would, therefore, be contrary to Policy DEV1 of the Plymouth & South West Devon Joint Local Plan (2014-2034) (the Local Plan), which seeks to ensure that existing residents are protected from noise disturbance from new development. The proposal would also conflict with the Framework's aim of achieving well-designed places with a high standard of amenity for existing and future users.

Policies relating to main town centre uses

14. Policies SPT6 and DEV16 of the Local Plan seek to support the vitality and viability of shopping centres, by applying a sequential approach to the location of new main town centre uses. This approach is in broad accordance with the aim of Section 7 of the Framework to ensure the vitality of town centres. Under this approach, main town centre uses should be located in town centres, then in edge of centre locations, and should only be located in out of centre locations if no sequentially preferable sites are available.
15. The Local Plan identifies the extent of the town centre areas in Plympton, the nearest one to the appeal site being the Ridgeway shopping centre. As this area lies approximately 1 kilometre away by foot, the appeal site is in an out of centre location. Furthermore, because of the distance involved, it is not well connected to the centre. Consequently, as required by Policy DEV16, a sequential test has been carried out by the appellant, which demonstrates that there are no available sites within the Colebrook Shops area. The appellant identified two vacant units within The Ridgeway shopping centre. However, one of these (Kiosk 2, 30 The Ridgeway) has no water connection, so would be unsuitable for the proposed use. The other (66 Ridgeway) is now occupied by a barber and a pizza takeaway.
16. In accordance with the advice in the Planning Practice Guidance (the PPG), the Council supported the applicant in undertaking the sequential test, and identified a further three vacant premises. One of these (70 Ridgeway) comprises a first-floor office suite, which would be unsuitable for a hairdressing

salon whose customers include elderly/disabled people, and parents with pushchairs. The appellant contends that the other two (123 and 131 Ridgeway) are not currently available on the market. There is no contrary evidence to suggest otherwise.

17. Policy DEV16 and the PPG require that the sequential test should consider whether there is scope for flexibility in the format and/or scale of the proposal. In this instance, however, the main impediment is the availability of any ground floor town centre premises, rather than a preference for a particular size or configuration. The PPG says that the application of the test will need to be proportionate and appropriate for the given proposal. In this case, the proposal only involves 24 square metres of floorspace, so its impact on the town centre is unlikely to be significant. In the particular circumstances of this case, the evidence provided by the appellant is proportionate, and sufficient to demonstrate that there are no suitable, available sites in the town centre to accommodate the proposal. There is no evidence that suitable edge of centre sites are available. Consequently, in the absence of any sequentially preferable locations, the sequential test is passed.
18. The proposed floorspace is well below the threshold set by Policy DEV16, whereby submission of an impact assessment would be necessary. However, Paragraph 91 of the Framework advises that proposals that are likely to have a significant adverse impact on town centre vitality and viability should be refused. In this regard I saw that, despite the effects of the Covid-19 pandemic, the centre had commercial uses in operation in virtually all the ground floor units, including several barbers, hairdressers, and beauty salons. Furthermore, there were a significant number of pedestrians in the centre at the time of my visit, which was quite early on a midweek morning. Overall, the centre appeared to be in good health, with a range of shopping and other commercial attractions providing good consumer choice, and the likelihood of linked visits to various businesses in a single trip to the centre.
19. There is no evidence to demonstrate that such a small hairdressing salon would divert a significant level of trade from the town centre. Consequently, and in view of my observations on the existing vibrancy of the centre, I conclude that its vitality or viability would not be jeopardised by the development.
20. I therefore conclude that the proposal would accord with Policies SPT6 and DEV16 of the Local Plan, which seek to ensure that town centre uses are appropriately located. It would also accord with the Framework's aims to ensure the vitality of town centres. Furthermore, there would be no conflict with Policies SPT5, DEV20 and DEV18 of the Local Plan, or Policy PSM6 of the Plympton St Mary Neighbourhood Plan 2015-2034 which, taken together, provide the strategy for the spatial provision of town centre uses; protect local shops and services; address the change of use of premises within town centres; and require good standards of design.

Conclusion

21. The proposal would not conflict with development plan policies or national advice relating to main town centre uses. However, this does not outweigh the harm that I have found to the living conditions of the occupants of adjacent residential properties, and the consequent conflict with development plan policies in this regard.

22. 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 be dismissed.

Nick Davies

INSPECTOR