



Appeal Decision

Site Visit made on 12 October 2021

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Appeal Ref: APP/J4423/W/21/3273441

8 Church Glebe, Sheffield, S6 1XA

- 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 Dr G Hula against the decision of Sheffield City Council.
 - The application Ref 20/02676/CHU, validated on 12 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is described as the continuation of the use of part of the ground floor of the dwellinghouse (use class C3) as cosmetics clinic (sui generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development for which permission is sought has been carried out. 'Continuation of the use' is not development as defined in section 55 of the Act. As a consequence, I shall determine the appeal on the basis of a description of development that excludes the words 'continuation of'.
3. The appellant advises that in addition to the cosmetic services, other services such as nutritional therapy and weight loss treatments, with the latter run via an on-line shop, trade from the house at 8 Church Glebe. However, as the planning application only related to a cosmetic clinic, and public consultation and determination of the application took place on this basis, I have dealt with the appeal on the same basis.
4. Interested parties at appeal stage have stated that the cosmetic clinic is not currently operating from 8 Church Glebe. This has not been challenged by the appellant. I have taken this into account in my observations during the site visit of parking and activity at the appeal site address.

Main Issues

5. On the basis of the local planning authority's reasons for refusal and delegated report, the main issues in this appeal are:
 - the level of on-site parking provision and the resultant effect of the development on highway safety; and,
 - the effect of the development on residential character and the living conditions of neighbours with regard to noise and general disturbance.

Reasons

6. The cosmetic clinic utilises the hallway, study, toilet and lounge on the ground floor of the house. As a cosmetic service operating from the residence of the

practitioner the use falls outside the classification of the Use Classes Order¹ and so is a *sui generis* use. However, it is common ground between the parties that the use described has the characteristics of the revoked Use Class D1 (Community facilities and institutions) which policy H10 of the Sheffield Unitary Development Plan supports in housing areas. I agree with that position. As a result, in principle the use is acceptable.

Parking provision and highway safety

7. 8 Church Glebe is a detached residential dwelling with two garages that have a driveway in front of each. Whilst in principle this arrangement provides four parking spaces, given the narrow domestic dimensions of the garages, and the resulting difficulty in using the garages for parking, it is unlikely that they would be used for cars that need to be driven regularly. Moreover, parking of cars in front of the garages by customers or staff would also deter the use of the garages by occupiers of the house. I note that the appellant's husband is typically away at work during the operating hours of the businesses which frees up a parking space. However use of the word 'typically' indicates that this is not always the case. As a result, in practice I find that the site has no more than two off road parking spaces for use in association with the cosmetic clinic and may on occasions only have one such space.
8. The business employs two part time therapists, who also undertake administrative work, with one to two patients receiving treatment on site at any one time. This indicates a parking demand of four cars. Potentially therefore there is a need for up to four parking spaces. A shortfall of two and, on occasions, three parking spaces therefore exists.
9. It is stated that two to three patients would be treated two to three times a week. However, if the business is successful this is likely to grow and nothing has been suggested that would restrict the number of patients visiting the site in a given week. Similarly, whilst the appellant states that there is a delay between appointments to reduce the potential for overlap, nothing has been suggested to ensure that this occurs. Given the potential for appointment overrun, pressure to maximise the use of available clinic time and patients arriving early to ensure that they are not late, it is reasonable to assume that there could typically be two further patients waiting on the premises. This could create parking demand for two additional vehicles and a shortfall of up to four and, on occasions, five parking spaces.
10. A shortfall in on-site parking provision displaces parking onto the road. It is clear from the representations of neighbours that children often play outside on this quiet, no through road, cul-de-sac. Displaced parking reduces the intervisibility between road users and children to the detriment of highway safety.
11. The tram is located approximately 600m away on foot and provides services to and from the city centre. However, the clinic is a sustained uphill walk from the tram stop and as one of a chain of only four clinics nationally the clinic can reasonably be expected to be serving a far larger area than the Sheffield conurbation. Both factors count against tram use. As a result, I find that the tram is unlikely to reduce car use by clients or staff to access the clinic.
12. The proximity of bus services has also been referred to. In the absence though of details of the bus routes and their times and frequency I am not persuaded

¹ The Town and Country (Use Classes) Order 1987 (as amended)

that they materially add to the public transport options for staff or clients of the clinic.

13. Permitted development rights would allow the house to be converted into a house in multiple occupation (HMOs) for up to 6 people. However, as HMOs are usually located close to city centres and the appeal property is a modern, detached, family house located on the outer edge of Sheffield, I find that it is unlikely that such a change of use would occur. Even if it did, given that HMOs are the lowest cost form of housing, and that people on low incomes are less likely to own a car, it is not realistic to suggest that such a change of use would result in each occupier having a car and the generation of demand for six parking spaces. I therefore attach little weight to this fallback position in favour of the appeal.
14. For the reasons given above, I therefore conclude that the change of use of part of the ground floor to a cosmetics clinic does not provide sufficient off street parking and endangers pedestrians causing unacceptable harm to highway safety. This is contrary to policy H14 (d) of the Sheffield Unitary Development Plan (UDP) and paragraph 111 of the National Planning Policy Framework ('the Framework') which in relation to new development seeks the provision of appropriate off street parking and the prevention of such endangerment and harm.

Character and living conditions

15. The broad end of Church Glebe, where the appeal property is located, is enclosed by woodland. As a result, its lack of traffic and verdant surroundings has created a particularly high quality residential environment.
16. When in operation the clinic is open for appointments six days a week from 10:00 hrs to 18:00hrs on Mondays to Fridays and until 16:00hrs on Saturdays. A successful clinic would have a steady flow of clients throughout the day arriving and leaving the house. Such frequent comings and goings, and the associated noise and disturbance, on a quiet, residential cul-de-sac on the edge of woodland with normally little traffic would degrade its high quality residential character and harm the living conditions of neighbouring residents.
17. Reference has also been made by local residents at appeal stage to large lorries delivering supplies to the site and vans collecting waste. The occurrence of this activity has not been contested by the appellant. Such commercial activity is out of keeping with the character of the cul-de-sac and adds to the harms described.
18. Taking all these matters into account, I therefore conclude that the development is detrimental to the amenities of the locality and the living conditions of nearby residents by virtue of the general disturbance and noise resulting from the vehicular activity it generates. This is contrary to policy H14 of the UDP and paragraph 130f of the Framework which seek to prevent such harm

Conclusion

19. The principle of the development is supported by policy H10 of the UDP. However, contrary to policy H14 of the UDP the proposed development causes unacceptable harm to highway safety and is detrimental to the amenities of the locality and the living conditions of nearby residents. As a result, I find that the proposed development is contrary to the development plan considered as a whole.

20. The other consideration put forward in favour of the appeal, namely that the clinic's treatments in aiding the wellbeing of clients helps to achieve the Framework's aim of a healthy and safe community, together with the employment that the commercial activity generates, is insufficient to outweigh the harms caused and non-compliance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

