
Appeal Decision

Site Visit made on 3 November 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/A1720/W/21/3277592

42 Pennycress, Locks Heath, Southampton SO31 6SY

- 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 Emma Harding against the decision of Fareham Borough Council.
 - The application Ref P/21/0713/CU, dated 21 April 2021, was refused by notice dated 18 June 2021.
 - The development proposed is change of use of garage/utility room to a hair and beauty salon.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of garage/utility room to a hair and beauty salon at 42 Pennycress, Locks Heath, Southampton SO31 6SY in accordance with the terms of the application, Ref P/21/0713/CU, dated 21 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, site plan, floor plan.
 - 2) The use hereby permitted shall be carried out only by the applicant Miss Emma Harding and no other persons shall be employed, paid or unpaid, at the premises at any time. Should this person cease to undertake the permitted use then the premises shall revert back to its former use.
 - 3) The premises shall not be open for customers outside the following hours: 1700- 1900 Tuesdays, 1000-1700 Thursdays, 0900 – 1300 Saturdays and not at all on other days.
 - 4) No more than one customer shall be permitted within the salon at any one time and there shall be a gap of 15 minutes between appointment times.

Preliminary Matters

2. The description of development on the original application form included a lengthy explanation of background, site description and justification for the proposal. A revised application form simply refers to the planning statement. The description in my heading and formal decision was used by the Council and is given by the appellant on the appeal form. It succinctly describes the proposal and I see no reason that injustice would arise to any party by my use of it.
3. The development has already been carried out. The appellant has been operating from the site with her mother-in-law. It has been alleged that the

hours of operation given on the application form have not been complied with. However, even if that were the case, that is not to say they could not be if they were imposed as conditions of a planning permission. I have, therefore, considered the appeal on the basis of the application, not what is alleged to have occurred in the past. The need to comply with other legislation is not before me.

4. That said, the Council has suggested conditions that may be applied if I were to allow the appeal. These include restrictions that would limit the operating hours and, in effect, mean that only the appellant could work in the salon with one customer present on the premises at any given time. While this is a far more restrictive operating environment to that originally described in the application, and that which has been carried on until now, the appellant has clearly accepted the suggested conditions in her final comments.
5. The conditions only serve to place limitations on the use originally applied for and do not significantly alter its character. No injustice would, therefore, occur if I were to determine the appeal on the basis of the proposed use, with the conditions in place so this is what I have done.

Main Issues

6. The main issues are the effects on highway safety and the living conditions of neighbouring residents with regard to privacy, noise and disturbance.

Reasons

Highway safety

7. The site is located within a residential area. There is considerable on-street parking pressure and few opportunities for visitors to park. Limitations in public transport accessibility mean that a large proportion of customers are likely to arrive by car. If multiple people worked at the site they would, along with their customers, create significant extra parking demand. It would not be possible to use planning conditions to ensure that they parked on other surrounding streets, away from Pennycress. An unrestricted permission would, therefore, be detrimental to highway safety and lead to frustrating conditions for other residents.
8. However, the appellant is already resident at the site and the restrictions proposed are such that only one customer would be present. The gap between appointments would ensure that occasions where more than one visiting car was present were very limited.
9. I understand that the Council's residential parking standards require two parking spaces for a 3-bedroom house. However, they also indicate that garages should not usually be counted as part of the provision so the appeal site has historically been deficient, assessed against this standard. The proposal would not change this.
10. Therefore, even accounting for the loss of the existing garage, the additional parking demand created by the development would only be that of the customers. Pennycress serves a significant number of properties and so the limited additional demand would be a very small proportion of total road users. As such, it would not lead to inconvenience or harm highway safety, despite

most of the business hours being at times that are likely to coincide with high residents' demand.

11. There would, therefore, be no conflict with those aims of Policies CS5 and CS17 of the Fareham Core Strategy 2011 that seek to ensure that development does not adversely affect the safety and operation of the road network and provides appropriate parking for intended uses.

Living conditions

12. Any talking between the appellant and her small number of customers is unlikely to be significantly different to that which could already occur within a residential environment. Periodic walking down the side alleyway to access the site would create only a small amount of low-level, intermittent noise.
13. If mechanical equipment, such as hairdryers, were used, it could be audible beyond the site boundaries. However, given the scale of business operations, this is likely to be at a low level and is unlikely to be constant. The hours of operation would ensure that it did not continue late into the evening or through the majority of the weekend.
14. The dwelling is an end terrace and its garden is surrounded by timber fencing. Such fencing also extends along the neighbour's side of the rear alleyway. Its height prevents views into the gardens or rear ground floors of the neighbouring dwellings. The closest first floor windows are obscure glazed and the main front living room window of No.41 is set away from the alleyway, beyond its own driveway. Therefore, any visitors to the site would not have direct views into the internal living accommodation of the neighbouring dwellings.
15. Although there would be an increased use of the alleyway, the appeal site is the first point of access from it. As customers would not have to pass other access gates, there is no clear reason why the security of neighbouring properties would be reduced. Nor would there be such heavy use of the path that it would prevent escape from the neighbouring dwellings such as in the instance of fire.
16. I, therefore, find that no harm to living conditions would arise and there would be no conflict with the aims of Policy DSP3 of the Fareham Local Plan Part 2: Development Sites and Policies 2015, that seek to ensure that proposals cause no unacceptable adverse impact on living conditions.

Conditions

17. For the reasons given, the conditions controlling the use are necessary in the interests of highway safety. A plans condition is also necessary in the interests of certainty, but, for clarity, I have not listed the salon layout plan as the internal layout does not affect the permission and indicates the space could be used by two people.

Conclusion

18. With regard to the foregoing, I conclude that the appeal should be allowed.

M Bale

INSPECTOR