



Appeal Decision

Site Visit made on 21 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/H1033/W/21/3276015

2 Amberley Drive, Harpur Hill, Buxton SK17 9PF

- 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 Claire Leigh against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0432, dated 10 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is the change of use of part of a ground floor hobby room within a residential dwelling to a small hair salon.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of a ground floor hobby room within a residential dwelling to a small hair salon at 2 Amberley Drive, Harpur Hill, Buxton SK17 9PF in accordance with the terms of the application, Ref HPK/2020/0432, dated 10 October 2020, and the plans submitted with it, namely the site and location plan and the proposed floor plans and elevations revision B, subject to the following condition:

- 1) The premises hereby permitted shall only be open for customers between 09:15-17:45 hours, Thursday to Friday.

Preliminary Matters

2. At the time of my site visit the salon and additional parking space were present on site. This appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.

Main Issues

3. Whilst the Council's decision notice only included one reason for refusal, it is clear from the evidence before me that the main issues in this case are both the effect of the proposal on:
 - The living conditions of the neighbouring occupiers, with particular regard to any increase in activity at the site; and,
 - The character and appearance of the surrounding area.

Reasons

Living Conditions

4. The appeal site is a corner plot between Amberley Drive and Berwick Road, it contains a detached dwelling with parking to the front and a wrap-around garden. The surrounding area is predominantly residential. Alongside the hair salon within the existing dwelling, the development includes the provision of a parking space to the front of the site and a pedestrian route around the building to gain access.
5. Given the size of the salon itself, it would be unlikely that more than one customer could be seen at a time. It is also proposed that the opening times would be restricted to 09:15-17:45 hours on a Thursday and Friday, and this could be controlled by way of a suitably worded condition. As such, the use is very limited, and it is unlikely there would be more than a very modest increase in activities or comings and goings associated with the site. Although the existing vehicle parking and side access are close to the neighbouring property, the limited extent of the use arising from the proposal would not cause a harmful effect. Moreover, it is to be expected that some level of noise will be present at a residential dwelling, including from vehicles manoeuvring and people coming and going. Mindful of this, the small scale of the development, and its proximity to a through-road, Berwick Road, any associated increase in noise is therefore unlikely significant.
6. In conclusion, the change of use does not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers and the enjoyment of their home. It therefore complies with Policy EQ6 of the High Peak Local Plan (LP) which requires that development does not cause unacceptable impacts on amenity including as a result of noise. It would also comply with Paragraph 130 of the National Planning Policy Framework (the Framework) which requires development has a high standard of amenity for existing and future users and does not undermine quality of life.

Character and Appearance

7. The change in use of the hobby/store room may have resulted in some change in the way in which the building is used. However, in relation to the host building as a whole, this change is limited. As such, whilst there will likely be additional movements and non-residential activities on site, these would not be to such a scale that they materially alter the character of the host dwelling or surrounding area.
8. During my visit I noted that a significant portion of dwellings had off-street parking, with driveways a common feature within the street scene. As part of this development an additional parking space has been provided at the appeal site to accommodate customer vehicles. Given the small scale of the development and the limited level of use it would create, any parking of customer vehicles would also be limited and would be assimilated within the existing street scene. Therefore, I find the parking space and its use by customers would not harm the character or appearance of the surrounding area. I likewise find that the path around the side of the house, whilst incomplete at the time of my visit, would not harm the character of the street.

9. Therefore, in light of the above, the development does not adversely affect the residential character of the host dwelling or the street scene as a whole. It therefore complies with Policies EQ6 of the LP which requires, amongst other things, development to be well designed and of a high quality that contributes to local distinctiveness and sense of place. It would also comply with the overarching good design requirements of the Framework.

Other Matters

10. It has been raised that the evidence before me has insufficient details and includes inaccuracies. However, I find that the details before me are sufficient for me to make a decision and no substantive evidence has submitted to demonstrate any inaccuracies. Reference has been made to a restrictive covenant, but this is a private land matter outside of the scope of this appeal.
11. The proposal includes the provision of a parking space for a customer vehicle, and I find given the scale of development, that this would be sufficient to meet demand. However, it is possible that there may be times when a customer will park on the road. At the time of my site visit there were few vehicles parked on the road. While this is likely to vary by time and day, the availability of on-street parking within Amberley Drive is sufficient to accommodate the likely very limited increase in parking demand resulting from the development. Whilst I note concerns regarding movements around the site during inclement weather or the hours of darkness, I have not been provided with any substantive evidence that the accessibility of the site would be unacceptable.
12. Concerns have also been raised as to whether the salon would meet health and safety requirements with regard to chemicals, sharp objects and the lack of ventilation. However, such matters are covered by other legislation and are not determinative in my assessment of this appeal. Reference has also been made to the closure of the appellant's premises in the town centre, but this is not relevant to the appeal.
13. All proposals must be considered on their own merit and the individual circumstances of this development means it is unlikely that similar schemes would come forward as a result of allowing this development. Nevertheless, should a similar scheme be applied for in the future, the cumulative effect would need to be considered. As such I do not find allowing this appeal would set a precedent.

Conditions

14. Although no conditions were suggested by the Council, I consider that a condition limiting the days and hours of operation of the salon to be necessary. Although the parties' comments were sought on this condition, none were received.

Conclusion

15. For the reasons given above, having had regard to the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the condition set out above.

Samuel Watson

INSPECTOR