



Appeal Decision

Site visit made on 9 March 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/V2825/W/21/3280603

9 Whiteheart Close, Northampton NN3 9GA

- 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 Mr Alex Calmic against the decision of Northampton Borough Council.
 - The application Ref N/2021/0380, dated 15 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is Change of use from Garage to Hairdressing and Nail Salon.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Alex Calmic against Northampton Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any comments in my decision.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of neighbouring occupiers, with respect to the availability of on-street parking and noise and disturbance.

Reasons

Parking

5. The appeal concerns an outbuilding situated to the side of an existing house within Whitehead Close. The properties within the street are all detached but are sited close together and those situated at the end of the street are arranged around a turning head. Off-street parking of vehicles is positioned within the front curtilage of the properties and, given the extent of dropped kerbs providing access to driveways, there is limited space for on-street parking. The greatest area of on-street parking is situated adjacent to the appeal site in a parallel parking bay for around three vehicles. This is principally focused on provision for visitors to all of the houses within the street.

6. The appellant has not indicated that parking for the proposed use could be accommodated within the site and accepts that there are only a few on-street parking spaces available. Although it is unclear how intensively the existing parking bay is utilised, it is evident that the layout of the houses and the highway were not designed to accommodate non-residential uses requiring regular dedicated visitor parking. I have not been referred to the likelihood of clients of the proposed salon arriving by alternative means of transport, including public transport, so I have assumed that most would arrive by private motorised transport.
7. The proposed salon would only employ one member of staff, who lives at the house, but it is likely that there would be some crossover between clients arriving and departing. Moreover, the Council has raised legitimate concerns that this may overlap more considerably with some clients to require, amongst other things, colouring which could necessitate waiting time.
8. The local highway authority (LHA) did not make any comments on the application, which one could rightly assume means that it did not find cause to object to the proposal. However, in my experience, the LHA would have been unlikely to respond in relation to the implications of parking on living conditions of neighbouring occupiers, points which were clearly articulated in the Council's reason for refusal, Officer Report and Statement of Case. I do not therefore find the absence of an objection from the LHA to be determinative in this case.
9. In light of the above, I conclude that it is likely that the proposal would result in an increased demand for the parking of vehicles within the street, where there are limited opportunities for on-street parking. The resultant reduction in the availability of on-street parking for the occupiers of neighbouring properties and their visitors is therefore likely to be of considerable detriment to their living conditions, as it would make it more difficult for them to park vehicles. Hence, the proposal would be contrary to the aims in respect of parking and living conditions expressed in Policies B20 and T11 of the Council's Local Plan¹ (LP) and paragraphs 126 and 130 of the Framework.

Noise and Disturbance

10. The appeal building is situated to the side of the house and both are enclosed by a close boarded fence and sited lower than the part of the street to the east. The access to the building is from a pathway between the flank wall of the house and the fence. Given these factors, I am satisfied that noise from the building from, amongst other things, hairdryers and talking, could be mitigated by a scheme of attenuation secured by planning condition. Furthermore, although I referred to the potential for crossover or overlap of clients in the first main issue, the noise and disturbance that could be expected from clients coming and going is likely to be similar to that which would be expected from residents or visitors arriving at or departing from one of the other residential properties in the street.
11. With the above in mind, I conclude that the proposed development would not have a harmful effect on the living conditions of neighbouring occupiers with respect to noise and disturbance. Hence, the proposal would accord with the aims in this respect of such matters, as expressed by Policies BN9 and S10 of

¹ Northampton Local Plan 1993-2006 Adopted June 1997 (Saved Policies September 2007).

the Council's Joint Core Strategy² (JCS), Policy B20 of the LP, and paragraphs 126 and 130 of the Framework.

Other Matters

12. The development plan for the area includes the LP and JCS. While these both predate the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
13. Policy S10 of the JCS is consistent with the principles of design and construction embodied in various sections of the Framework, including the implications of noise pollution. Similarly, Policy BN9 of the JCS is also consistent with the aims of the Framework regarding pollution. Policies B20 and T11 of the LP are generally consistent with the aims of the Framework in respect of parking and living conditions are their contribution to making high quality places. For these reasons, I afford full weight to all of the relevant policies of the development plan, including any conflict with the policies referred to in the above main issues.

Conclusion

14. While I have not found harm in relation to the implications on living conditions from noise and disturbance, I have identified considerable harm to living conditions from the effect on the availability of on-street parking. Accordingly, for the reasons given above I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR

² West Northamptonshire Joint Core Strategy Local Plan (Part 1) (Adopted December 2014).