



Appeal Decision

Site visit made on 23 August 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/Z1775/W/22/3294046

70 Central Road, Drayton, Portsmouth PO6 1QX

- 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 Tomkinson against the decision of Portsmouth City Council.
 - The application Ref 21/01634/FUL, dated 4 November 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as existing garage to be converted to a hair salon with new pitched roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although there are discrepancies between the reason for refusal cited on the decision notice and that in the Council's statement of case, I am satisfied that the reasoning in both versions is comparable, and the supporting policies are the same. The Council's position in relation to its decision is, therefore, clear.
3. On visiting the site, I noted the physical works to the garage (outbuilding) have largely been completed.

Background and Main Issue

4. The appellant runs a hair and beauty business from the appeal site, their home. At the rear of the site is an outbuilding which the proposal would alter to create space specifically for the business, rather than using existing rooms within the main dwelling. There are no objections to the physical alterations to the outbuilding nor evidence that the business, in its current form, is anything other than ancillary to the main residential use of the appeal site. Through on site observations and the details before me, I do not find otherwise on these matters.
5. Therefore, the main issue is the effect of the proposal on the living conditions of the occupants of neighbouring properties with specific regard to disturbance.

Reasons

6. The appeal site constitutes a single storey detached dwelling set back from the road with an area of hardstanding for parking to the front. There is a gated access to the side providing access to the rear garden and outbuildings within. There is a single storey outbuilding just beyond the rear elevation of the main dwelling facing the access gate and behind that, at the end of the garden, is the outbuilding which would be converted and altered.

7. While the side access is already used by clients to enter the main dwelling, the proposal would result in people needing to walk the full length of the appeal site through the rear garden. The rear gardens of neighbouring properties are close enough together that a significant increase in movement through the site, even if hours of operation were limited, would be likely to cause disturbance to neighbours.
8. Notwithstanding the stated scale and nature of the existing business, there is no mechanism before me that would control the number of clients visiting the site per day, the clients behaviour (appreciating the good conduct of the current users of the business), the intensity of the use, or the reversion of the building back to ancillary purposes related to the main dwelling. On this basis, there would be nothing to stop a more intensive use operating from the site over time. Conditioning the hours of operation only, to which the appellant is amenable, would not mitigate the potential impacts on neighbours from a more intensive use of the outbuilding.
9. I appreciate that the current occupants of both neighbouring properties have submitted letters of support, however this is in relation to the current working model of the business. As well as the current situation, it is necessary to consider the long-term effects of the proposal should the occupants of the appeal site or neighbouring properties change.
10. Therefore, from the evidence before me the proposed development could have a detrimental effect on the living conditions of the occupants of neighbouring properties with specific regard to disturbance. This would be contrary to Policy PCS23 of the Portsmouth Plan (2012) and paragraph 130 of the National Planning Policy Framework insofar as they seek to protect and provide a high standard of living conditions for neighbouring occupiers.

Other Matters

11. The appeal site falls within the Portsmouth City district which is within a catchment area for the Solent Special Protection Area (SPA). It is an area which, as designated by Natural England, needs action to be taken concerning nutrient neutrality. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SPA. However, an AA is not necessary where there is no intention to grant permission (clause 63(1)). Therefore, as I am dismissing the appeal for other reasons, I have not pursued this matter further.
12. The appellant has referred to a care home on Central Road and states that the proposal would be less noisy. However, from the information before me I am unable to assess whether this is accurate. Nevertheless, because something is potentially not as impacting as a nearby use does not mean it is not harmful in and of itself.
13. It is noted that there is no objection to the physical alterations to the building and no objections have been raised by neighbours. These are neutral factors neither weighing for or against the proposal in relation to the main issues, and so do not overcome the harm identified. The appellants personal circumstances including the requirement for additional space and why separate premises are not suitable are also noted. However, I am bound to consider the planning merits of the case before me.

Conclusion

14. For the reasons above, the proposed development would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR