



Appeal Decision

Site visit made on 21 July 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/Y9507/W/23/3315029

4 Buckingham Road, Petersfield, Hampshire GU32 3AZ

- 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 Lynda Coates against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/01719/FUL, dated 4 April 2022, was refused by notice dated 13 October 2022.
 - The development proposed is described as 'Garage conversion to a mixed use of C3 and Sui Generis for a salon'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From the evidence before me and my observations on site it is clear that the development has already taken place, while the Council treated the application as a retrospective proposal. Accordingly, I have determined the appeal based on development that has already occurred.
3. As part of its first reason for refusal, the Council's decision notice refers to a conflict with Policy SD8(k) of the South Downs National Park Local Plan (adopted 2019) (the Local Plan). However, it is clear from the Council's evidence including the development plan documents that this is a typographical error. The relevant Local Plan policy to which the Council's identified conflict relates is instead Policy SD5(k).

Main Issues

4. The main issues are whether the development has a harmful effect on the character of the area and living conditions of neighbouring residents, with particular regard to noise and disturbance, as well as the development's effects upon highway safety.

Reasons

Noise and Disturbance

5. No. 4 Buckingham Road is a semi-detached dwelling with a detached garage within the rear garden that has been converted to a hairdressing/beauty salon. Car parking is within the front garden from which pedestrian access to the salon is gained through a gate to the side of the dwelling.
6. The appellant identifies that the salon has operating hours of between 9am - 2pm (Mondays), 9am - 4pm (Tuesdays, Thursdays, Fridays) and 9am - 1pm

(Wednesdays and Saturdays). Third party representations provide conflicting information, indicating that the salon has been operating at times from 8am and beyond 6pm on some evenings. However, the appellant has indicated a willingness to accept a condition on the grant of any permission to control the hours of operation to those that she has specified.

7. I also understand that the salon accommodates up to three staff members at any one time and a corresponding number of customers. This intensity of activity may not currently take place during all operational periods, but such levels of activity would be capable should an unrestricted change of use be allowed.
8. The appellant also indicates that sessions with a customer on average last for 1.5 hours and can be staggered. However, it may be reasonably expected that session lengths could vary, with the potential for greater number of customers to be accommodated at the site. Whilst the use and operating hours of the salon could be controlled by planning condition (should I be minded to allow the appeal), conditioning the number of customers at the premises would be difficult to monitor and enforce.
9. Buckingham Road itself is a modest length residential street, which provides vehicular access only to dwellings on this street and another small residential close (York Close). Due to the lack of passing traffic the street has a generally quiet character. Indeed, on my site visit, I observed low levels of vehicle and pedestrian movement. Activity taking place at the neighbouring industrial estate was also not appreciable from the appeal site, including no discernible noise arising.
10. At the time of my site visit, which was a mid-week morning, the salon was in use with several staff members and customers present. The use of mechanical equipment, such as hairdryers, were in operation, and staff and customers were talking over the noise of the dryers. A side door to the garage was also being kept open, presumably for ventilation purposes or to enable customers to easily locate the entrance.
11. The activities associated with the salon use (e.g. use of hairdryers, radios, general conversations, cleaning) may be typical of those that take place in a residential setting. However, the development involves a level of activity, capable of being over prolonged periods, that far exceeds that to be expected in a residential setting. Furthermore, even if restricting the hours of operation to those outlined by the appellant, it remains that the proposal could generate significant levels of noise and disturbance for neighbouring residents throughout the day, across much of the week.
12. No detailed noise assessment has been undertaken by a suitably qualified expert. Still, the appellant suggests that noise mitigation equipment could be used such as a sound detector monitor to ensure that noise levels within the salon do not reach unacceptable levels. There are however no precise details of what the mitigation would entail or how it would work in practice so that appropriate noise levels are complied with. As such, based on the details before me I do not consider this to offer a practical, suitable, or enforceable solution.
13. Furthermore, even though the location of the site may be generally accessible by sustainable means of transport, many customers remain likely to utilise private vehicles to access the service. Additional vehicle movements and the

noise associated with customers manoeuvring, entering/exiting vehicles and the site, also adds a level of disturbance. This is in addition to the typical activity associated with the residential property and therefore notably different.

14. The appellant calculates, based on her records over a four-week period, that the development attracts up to an additional 14 vehicle trip generations a day and in excess of 50 over the course of a week. This itself is not an insignificant number, but I have concerns about the validity of these findings. Notably, no details of the four-week period in which customer trips were monitored have been provided and it is not possible to ascertain whether this was during a typical period or potentially a quiet phase for the business. Additionally, these figures are also based upon the assumption that staff and customer levels at the site will remain as per the current arrangements and customers will have appointments of 1.5 hours, which as indicated cannot be appropriately controlled. Therefore, I am not convinced that the development would only give rise to the levels of trips identified by the appellant.
15. Further, the business movements could be consistent and sustained throughout the hours of operation. Given the characteristics of the street, I consider the increase in traffic movements are likely to be readily discernible and not insignificant, also adding to disturbance caused by the development.
16. Consequently, I find the appeal scheme to adversely affect the character of the area and living conditions of neighbouring residents through noise disturbance associated with the operation of the salon use. The development therefore conflicts with Policy SD5 of the Local Plan. The policy requires development to contribute to local distinctiveness and sense of place and seeks for development to avoid harmful impacts upon surrounding uses and amenities. Likewise, the development is contrary to paragraph 130 of the National Planning Policy Framework (the Framework), which requires development to have a high standard of amenity for existing users.
17. In coming to the above view, I am mindful that the appeal site backs onto an industrial estate and I appreciate that noise generated from the industrial estate may be far greater than that emitted from the appeal development. While I also note that many of the nearby commercial uses have longer operating hours than the appeal scheme. However, there is no robust evidence (e.g a noise assessment) before me to demonstrate the baseline noise conditions at the site, including whether noise from the industrial estate is frequent or intermittent, or how the appeal scheme contributes to the noise environment.

Highway Safety

18. The appellant states that there are five parking spaces available on site and has provided a drawing to demonstrate this. The drawing indicates two spaces for resident vehicles and a further three visitor vehicle spaces. However, from the evidence submitted and my observations on site I am not convinced that there is sufficient space to suitably accommodate five vehicles on the driveway. Four of the vehicles would need to be parked very tightly together alongside one another. Even if it were physically possible, the arrangements to accommodate this level of parking on-site would be such that manoeuvring in/and out of the spaces is likely to be somewhat difficult and uninviting. As such, it is likely that the site would not frequently accommodate the level of visitor parking that is claimed.

19. Given the number of staff and customers that the salon can accommodate, as well as the potential for customer crossover during busy periods, I therefore consider that on-street parking associated with the development will arise.
20. Although I acknowledge that it was a snap-shot in time, during my visit on a mid-week morning, there was ample on-street parking available in the surrounding area. This is despite Buckingham Road apparently being a popular location for commuter parking due to its proximity to a train station. Neighbouring properties were also largely served by garages and/or driveways, with many of the driveways free of vehicles.
21. I appreciate that my visit was during the working day and more vehicles may be present in the evenings when neighbouring residents return from work. Nevertheless, I consider it unlikely that demand would increase so significantly as to cause a saturation point to be reached for on-street parking. Additionally, if I were to be minded to allow the appeal, it would be subject to restrictions on the salon's opening hours. This should ensure there would not be demand for parking associated with the business in the evenings.
22. Accordingly, based on the evidence before me and my observations on site, I am satisfied that the on-street parking demand resulting from the development is not so great as to cause significant congestion on the street, or result in harm to highway safety. The proposal therefore does not conflict with Local Plan Policy SD22 nor the aims of the Framework. Together, amongst other matters, these seek to ensure that development is served by appropriate levels of vehicle parking and is designed to create safe places that minimises the potential for conflict between vehicles.
23. Although the proposal may be acceptable from a highway safety perspective, this does not overcome the fact that the disturbance arising from the salon use, including from the significant number of vehicle trips to the site, is unacceptable.

Other Matters

24. Working from home (WFH) may have become increasingly common since the outbreak of the Covid-19 pandemic. However, to my mind this commonly entails residents working from within their own home in what is likely to be in an ancillary manner (e.g. working at a computer/desk or individually from home). In contrast, the appeal scheme involves the part change of use of the site, with several non-resident staff and customers in attendance at the site across prolonged periods. Consequently, I do not consider that the recent societal trend for WFH is suitable justification for the proposed development.
25. I understand that the appellant has relocated a salon business from the town centre to her own home due to cost pressures associated with the previous site. The appeal development also provides work opportunities for other barbers/stylists. The proposal therefore has some socio-economic benefits. However, given the scale of the operations I consider these to be limited, while no detailed information has been provided to demonstrate that it was unviable for the salon use to remain in the town centre. Therefore, such benefits do not provide suitable justification for the appeal development.
26. I note the comments of some third parties, who clearly value the service provided at the site. I also recognise that it may provide a particularly

convenient facility for some members of the public, including elderly local residents. However, such matters do not overcome my concerns with the proposal, or its conflict with the development plan.

Conclusion

27. The appeal scheme conflicts with the development plan as a whole and there are no other considerations which justify a decision other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR