



Appeal Decision

Site visit made on 8 January 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2024

Appeal Ref: APP/C2741/W/23/3325450
50 Green Lane, Clifton, York YO30 5QX

- 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 Zoe Illingworth against the decision of City of York Council.
 - The application Ref 22/02113/FUL, dated 10 October 2022, was refused by notice dated 17 April 2023.
 - The development proposed is proposed conversion of existing attached garage to hair salon removal of existing garage door and replaced with new single front door and glazed side light.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues and I have determined the appeal on the basis of the new Framework.
3. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. On the appeal form it is stated that the description of development on the application form is still correct and neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. At my site visit I saw that development had commenced, albeit with the entrance door located to the side.

Main Issues

5. The main issues are:
 - The effect on the living conditions of neighbouring residents in respect of disturbance; and
 - The effects on the character and appearance of the area and sustainable transport arising from the conversion of the garage.

Reasons

Living Conditions

6. The proposed hair salon would be located in a converted garage attached to one of a pair of semi-detached houses located in a residential area. The appeal site is linked to a neighbouring dwelling by the converted garage and the garage of the neighbouring property. The appeal site and the linked dwelling are accessed by a double-width open driveway which leads from the through-road of Green Lane.
7. The appellant refers to the relatively low level of custom proposed, the use of an appointment system, a number of customers visiting on foot, as well as potential restrictions to opening hours. Reference is also made to the main focus of the business and the length of associated appointments which may limit the number of customers.
8. However, I consider that the disturbance generated by people accessing the proposal as well as the increase in traffic movements would still exceed what neighbouring residents could reasonably expect in this residential setting. This would be the case even if the entrance door is located to the side of the garage in the manner I observed on my visit, as pedestrian and vehicle movements to the front of the host dwelling would still be apparent to neighbouring residents. A condition controlling the location of vehicle parking would also not be sufficient to mitigate for the increased activity. Due to the close-knit relationship with the linked dwelling, the comings and goings of customers would be readily apparent to neighbouring residents, with an unacceptable level of disturbance and associated intrusion.
9. I conclude that the proposal would lead to significant harm to the living conditions of nearby residents in respect of disturbance. The proposal would therefore conflict with policies GP1 and E10 of the Development Control Local Plan 2005 (DCLP) and Policies D1 and ENV2 of the City of York Publication Draft Local Plan 2018 (PDLP) in respect of disturbance, amenity and clearly defining private from public space. The proposal would also conflict with the Framework in respect of achieving a high standard of amenity for existing and future users of places.

Garage Conversion

10. The Council's concerns on this issue relate to the effect on cycle parking and waste storage. It considers that the loss of the garage, associated storage and the form of access to the rear of the dwelling would lead to waste and cycles being stored to the front of the property resulting in a cluttered appearance. It also considers that this could lead to the loss of cycle parking which would discourage the use of cycles.
11. However, the appellant has confirmed that planning permission is not necessary to convert the garage to a habitable room, and I give this significant weight as a fallback position to the appeal proposal. This development would have a similar effect on waste and cycle storage as the appeal proposal.
12. In any event, the appeal proposal would allow through access to the rear garden and a utility area which would enable cycle storage to the rear, and which would not be an undue hindrance to the movement of cycles. For the same reasons waste storage to the rear would be possible, and the matter of

the stepped access for the development as constructed could be addressed by a condition requiring the provision of a ramp.

13. The appellant sets out that commercial waste would be likely to be 1 bag a week which could be collected by a private contractor. It has therefore not been demonstrated that the proposal would lead to a significant increase in the volume of waste generated by the property.
14. I saw that a structure for the storage of bins had been created to the front of the site, although the lawfulness of this structure has not been set out to me. In any event, this does not lead me to a different conclusion in respect of the weight given to the fallback scheme or the effect of the appeal proposal.
15. With due consideration to the fallback scheme and the layout of the site, I conclude that the proposal would not lead to an unacceptable displacement of waste and cycle storage or the discouragement of cycle use. The proposal would therefore not harm the character and appearance of the area or access to sustainable means of transport, and would not conflict with the design and sustainable access requirements of Policies D1 and T1 of the PDLP or Policies GP1 and GP4a of the DCLP. The proposal would also not conflict with the Framework in respect of achieving well-designed and beautiful places and promoting sustainable transport. For the same reasons, the advice of the SPD¹ does not lead me to a different conclusion on this issue.

Other Matters

16. The appellant refers to a previous planning permission they secured on a site elsewhere for the change of use of a garage to a hair salon. However, this would not appear to be a direct parallel to the appeal proposal in respect of the relationship to neighbouring properties and the nature of the access. In any event, I have determined this appeal on its own merits.
17. I have had regard to the comments submitted by neighbouring residents. However, even if no objections had been submitted in relation to the appeal proposal, I consider that the Council's concerns would remain well-founded. I also note that the resident of 52 Green Lane supports the proposal, but this does not negate my conclusions based on my own observations.

Conclusion

18. Notwithstanding my conclusions in respect of the garage conversion, I conclude that the proposal would lead to unacceptable harm to the living conditions of neighbouring residents in respect of disturbance. The proposal would therefore conflict with Council policies and the Framework when read as a whole in respect of amenity.
19. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR

¹ City of York Council House Extensions and Alterations Draft Supplementary Planning Document (December 2012)