

Appeal Decision

Site visit made on 20 August 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/N1160/W/24/3340227

7 Sarum Close, Plymouth, Devon PL3 5SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Miss Mollie Quintrell against the decision of Plymouth City Council.
 - The application Ref 23/01258/FUL was approved on 20 December 2023 and planning permission was granted subject to conditions.
 - The development permitted is change of use of part of garage to beauty treatment room and new side door.
 - The condition in dispute is No 4 which states that: *Beauty treatments shall be undertaken by prior appointment only and appointment diaries shall be made available to the local planning authority on request. Appointments are to be dealt with on a 1 in 1 out basis with a 30 minute gap in between appointments. The number of customers should be limited to no more than 7 per day and 36 per week.*
 - The reason given for the condition is: *In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.*
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Decision

1. The appeal is allowed and the planning permission Ref 23/01258/FUL for change of use of part of garage to beauty treatment room and new side door at 7 Sarum Close, Plymouth PL3 5SH granted on 20 December 2023 by Plymouth City Council, is varied by deleting condition 4 and substituting for it the following condition:

Beauty treatments shall be undertaken by prior appointment only and appointment diaries shall be made available to the local planning authority on request. Appointments are to be dealt with on a 1 in 1 out basis.

Background and Main Issue

2. Planning permission was granted for the change of use of part of a garage to beauty treatment room and new side door. The appellant considers that the daily and weekly cap on the number of customers in condition 4 is unreasonably restrictive in that it does not allow sufficient flexibility. This,

they say is because their business accommodates for a variety of single appointments that can last between 30 minutes to 4 hours. Acknowledging that the opening hours are controlled by another condition, it is suggested that the daily cap be removed, and the weekly number of customers increased from 36 to 50. Additionally, they claim that the required 30-minute gap between appointments is unnecessary, suggesting that 10 or 15 minutes would be sufficient for customer change overs.

3. The Council is concerned that an increase to 50 customers per week would potentially erode the character of the area and living conditions of local residents, including parking pressures. In that context, it says that the daily cap enables the business to be better managed across the week. This, it is claimed, would avoid a concentration of use which could lead to greater impacts. Additionally, a 10-minute change over period is considered too short. It is also noted that a longer than 10-minute gap would accommodate for overrunning appointments; thus, avoiding extra vehicles being present at the appeal site at the same time. There is no dispute between the parties that the other requirements of the condition, including prior 1 in 1 out appointments, and associated diaries are necessary.
4. I therefore consider the main issue to be the effect that varying condition 4 would have on the living conditions of nearby residents.

Reasons

5. The appeal site comprises a detached property on the turning head of a short cul-de-sac of spacious layout. At the time of my late morning visit, on street parking was readily available near the appeal site and in the surrounding estate. It is acknowledged though that there may be busier times of the day, such as when residents return from work.
6. Even so, the use of a parking space at the appeal site for customers operating on a 1 in 1 out basis has been determined by the Council's highways officer to result in insignificant additional vehicle movements. In that context, there is little evidence that additional customers would alter this scenario. In fact, given the above and opening hour restrictions already in place, it is very unlikely that such an alteration to the comings and goings of customers would be perceptible to local residents or alter the character of the area. Whilst the Council's highway officer comments were made in respect of highway safety, they nevertheless reinforce my observations that vehicular disturbance caused by parking demands would be negligible.
7. It is likely that certain businesses operate best in local centres. However, here, the range in length of appointments from ½ hour to 4 hours means that the total number of customers in any given day would be likely to be self-regulating. Even if there were some days with a greater number of customers than others, the concentration of the use is also bound by opening hours, the very small scale of the development and the 1 in 1 out restrictions. For the reasons given, there is no compelling evidence that a daily or weekly customer limit would be necessary to avoid extremely busy days, as suggested by the Council.
8. Despite best efforts, overrunning of appointments may occur on the rare occasion. In these circumstances, a 10-minute change over period may result

in 2 customer vehicles being present in the area. With 1 vehicle parked at the appeal site, there may be brief periods during opening times when customers waiting for their appointment would be required to park nearby. In that context, I am mindful of the personal access requirements of a nearby resident. However, there may be mechanisms in place to secure such specialised parking arrangements. Notwithstanding this, given the open layout and generous availability of on street parking in the immediate and wider area, this would not be likely to cause significant conflict or irritation for nearby residents. For these reasons, a restricted gap between appointments would not be necessary to make the development acceptable.

9. For the above reasons I conclude that the varying of condition 4 would not harmfully affect the living conditions of nearby residents. As such, there would be no conflict with Policy DEV1 of the Plymouth & South West Devon Joint Local Plan which says, in part, that development proposals will be required to safeguard the amenity of local communities.

Other Matters

10. The Council has highlighted an appeal decision¹ at 97 Lake View Drive and a number of planning permissions, drawing comparisons with the appeal scheme. 97 Lake View Drive is however not in the same location as the appeal site. The conditions associated with that permission derive from its site-specific circumstances and therefore cannot, by default, apply to this scheme. Whilst there are similarities in the nature of the uses, the schemes are materially different and are not comparable. This would be true of the other planning permission examples determined by the Council, by which I am not bound.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed appointments condition and substitute it for a new one.

J Hills

INSPECTOR

¹ APP/N1160/C/22/3309917