

Appeal Decision

Site visit made on 17 September 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/U2750/W/24/3345496

7 Hillshaw Park Way, Ripon, North Yorkshire HG4 1JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Hall against the decision of North Yorkshire Council.
 - The application reference is ZC24/00181/FUL.
 - The development proposed is the removal of garden shed, and replacement with a garden building that would normally be permitted development, change of use to hair salon as a work from home business.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Hall against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effects of the proposal on the living conditions of nearby residents with regard to disturbance and the character and appearance of the area.

Reasons

4. The appeal site is a semi-detached house within a predominantly residential area. The building for the hair salon business would be located in the rear garden. The appellants state that the opening hours would be 09:00 – 17:00 Mondays to Fridays and 09:00 to 12:00 on Saturdays. From the evidence submitted, there is just one person, the owner of the property, who would work in the salon. In the light of this level of use, the appellants identify that the maximum number of customers per day would be six, with a maximum of two customers being present at any one time, and by appointment only.
5. Opening hours could be controlled by condition were planning permission to be granted. In my view, it would also be possible to impose a condition limiting the number of customers that would meet the tests for conditions in paragraph 56 of the National Planning Policy Framework. Notwithstanding this, vehicle movements, customer comings and goings and associated noise

would be noticeable at the site and in the immediate vicinity, regardless of the absence of marketing/signage.

6. While appreciating the appellants' contention that the number of customers would be limited by the size of the proposed building, its use as a hair salon business would introduce a level of activity which is more intensive than that of a typical domestic garden, with the comings and goings associated with the use likely being consistent and sustained throughout the hours of operation. The proposed building itself would have the appearance of a typical garden room not uncommon in residential gardens. However, the nature of the proposed use of the building, by people independent to the residents of the house, would be very different in character to its use as an ancillary garden structure with an intrinsic connection to its host dwelling.
7. The appellants' evidence identifies that access to the building would be either through the house or along the path that is shared with the adjacent house at 5 Hillshaw Park Way. The shared path affords clear views of much of the rear garden of no. 5 in close proximity. It is close to the side door of this house which is also very visible from the shared path. Even if access to the building is taken through the house, clear views of the garden of no. 5 would still be possible due to the extent and low-level nature of the boundary treatment between the two properties.
8. For residents of no. 5, the nature and intensity of the comings and goings of customers would be substantially different in nature to those of their neighbours, with the loss of privacy being more intrusive than is currently the case. This would markedly diminish the residents use and enjoyment of their property and garden.
9. The adjoining house at no.9 is located further from the entry and exit locations to the building and there is a reasonably tall fence along the boundary with no. 7. Nonetheless, the nature and level of activity generated by the proposed use, and therefore disturbance experienced by residents of this house when in their garden, would be materially at odds with what would reasonably be expected in a residential context such as the case here. This would noticeably detract from the living environment that residents of this house could reasonably expect to enjoy.
10. Although increased on-street parking pressure has not been specifically referenced in the Council's reason for refusal, it is raised in its officer report and is a matter which can affect the amenity enjoyed by residents. I observed the parking situation on Hillshaw Park Way in the vicinity of the site during my site visit on a weekday morning, which I appreciate was only a snapshot in time. Most of the houses in the vicinity benefit from some off-street parking provision. Although there were some vehicles parked on the highway, I observed that there remained quite extensive unused parking capacity along the length of the road. The proposal would increase the demand for on-street parking. However, I am not persuaded that this would be to such an extent that there would be an unacceptable adverse impact on the surrounding area due to inconvenience caused to residents through the take up of on-street parking capacity.

11. The proposed building itself, which could be constructed using permitted development rights¹, would not have a harmful effect on the living conditions of nearby residents or the character and appearance of the area. However, for the reasons given, I conclude that the proposed use of the building as a hair salon would alter the residential character of the site and would result in a significant adverse impact on the living conditions of neighbouring residents, with regard to disturbance. As such, the proposal would conflict with the residential amenity requirements of Policy HP4 of the 2020 adopted Harrogate District Local Plan 2014 – 2035.

Other Matters

12. National and local planning policies are supportive of proposals that contribute to sustainable economic growth. However, this support does not mean that all such developments will be acceptable. While giving some positive weight to the economic benefits associated with the proposal, this would not outweigh the harm that I have found to the living conditions of neighbouring residents.
13. An absence of objection does not in itself render the scheme acceptable. The fact that the Council did not submit a statement of case does not mean that it is now accepting of the proposal.

Conclusion

14. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

F Wilkinson

INSPECTOR

¹ Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)