



Appeal Decision

Site visit made on 27 May 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/D1590/W/25/3360759

19 Blatches Chase, Eastwood, Southend-on-Sea SS9 5SY

- 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 D Holder and M Fallan against the decision of Southend-on-Sea.
 - The application Ref is 24/01866/FUL.
 - The development proposed is the change of use of existing ancillary outbuilding of residential dwelling (Use Class C3) to hair salon (Use Class E).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing ancillary outbuilding of residential dwelling (Use Class C3) to hair salon (Use Class E) at 19 Blatches Chase, Eastwood, Southend-on-Sea SS9 5SY in accordance with the terms of the application, Ref 24/01866/FUL, subject to the conditions set out in the Schedule of Conditions.

Preliminary Matter

2. The Council's decision notice indicates the proposal to be retrospective. I was able to view the hair salon at the time of my visit.

Main Issues

3. The main issues raised by this appeal are the effect of the proposed development on the living conditions of existing neighbouring occupiers and the character of the area.

Reasons

Living conditions

4. The outbuilding is of a modest size and the hair salon operations proposed would be limited. The increase in comings and goings of this small business would not be significantly more than that of a family dwelling. A hair salon use is not inherently noisy. Noise from hairdryers and the washing and rinsing of hair can be controlled by way of an appropriately worded planning condition. Furthermore, there would be no activity during the evenings or on Sundays or Bank Holidays. This can also be controlled by way of a suitably worded planning condition. The Council Officer Report indicates that the Council's Environmental Health section has not raised an objection, subject to a noise protection condition being imposed.

5. The numbers of clients would be low. As such, this would not result in any significant overlooking or loss of privacy to neighbouring occupiers either side of the appeal property irrespective of which side access may be used.
6. With regard to traffic, concern has been raised by interested third parties to parking and traffic including existing parking stress, along with the limited parking on site and number of additional vehicles associated with the use. Amended plans were submitted during the course of the Council's consideration of the planning application that reduced the car parking on the frontage to two spaces. Photographs have been provided by third parties showing on-street parking in the area. Concerns have also been raised in relation to inconsiderate driving and parking, the school entrance being blocked, potential highway hazards and vehicles being forced to drive on grass verges given the narrow nature of the highway.
7. Parking for clients would be available either on the frontage or on-street. Given the limited number of clients that can be controlled by way of planning condition the level of traffic generated by the hair salon would be low. There would be no business deliveries as supplies are purchased by the business owner directly. There would be no activity in evenings or on Sundays or Bank Holidays. There is unrestricted on-street parking available within the surrounding area for clients. I do not consider that the development would result in a substantial detrimental impact on the free flow of traffic within the local area or have a significant impact upon on-street parking in the area, noting that the Council's Highways section has not objected to the proposal. Furthermore, I do not consider there would be significant harm to the area from car fumes as a result of the proposed development.
8. Consequently, I find that the hair salon use would not give rise to significant noise and disturbance and can be undertaken without having a significant impact upon the living conditions of existing occupiers. The comings and goings generated by the hair salon would not be substantial and the levels of traffic would not be uncharacteristic for the area. Third party concern has been raised to the extent and range of services with there being three or four stylist's chairs within the salon. However, the conditions would restrict the extent of the use and control the activity at the site. Although the use would be a non-domestic activity, it would not be incompatible with this residential setting.
9. For these reasons, I conclude that the proposed development would not harm the living conditions of existing neighbouring occupiers. As such, the proposed development would comply with Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015, the advice contained within the Southend-on-Sea Design and Townscape Guide 2009 and the provisions of the Framework. These policies and the Framework seek, amongst other matters, development to protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.

Character

10. The area is residential in character. As noted above, the level of the business activity would be limited. There have been no changes to the building other than repair and/or refurbishment. This is an existing outbuilding located at the end of the rear garden. Therefore, it would not be visible within the street scene. As such, the

design, size and scale of the development would not result in any significant harm to the character and appearance of the site and would not have a noticeable impact upon the character of the area. The activity generated by the hair salon would not be of a level that would create a use out of keeping with this residential area in which it is located.

11. For these reasons, I conclude that the proposed development would not harm the character of the area. As such, the proposed development would comply with Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015, the advice contained within the Southend-on-Sea Design and Townscape Guide 2009 and the provisions of the Framework. These policies and the Framework seek, amongst other matters, development to contribute to the economic, social, physical and environmental regeneration through quality design and to respect the character and scale of the existing neighbourhood.

Other Matters

12. Third parties have highlighted what are considered to be discrepancies within the planning application. These include the days and hours of operation, staff and client numbers and that there are trees at the site. The previous use of the outbuilding as a bar with sound system has been questioned. I have also been provided advertising details pertaining to the hair salon business. However, these relate to past activities. Appropriately worded planning conditions can be imposed that would control activities at the site. The Council can take enforcement action for any breach of the imposed conditions.
13. Concern has been raised to the legality of the building and whether or not it benefits from building regulations. The Council has commented that the outbuilding is lawful having been in place for over 10 years and, as such, would be immune from any enforcement action. In addition to this, concern has also been raised to the lawfulness of the use of the shared drive between No.19 and 21 Blatches Chase. However, the Council has indicated that this would be a private legal matter. On the evidence before me I am not led to come to a different view on this matter.
14. The outbuilding is single storey and located at the rear of the back garden. The separation between the hair salon and the rear bedrooms of neighbouring properties would ensure that no significant loss of privacy would take place to existing residential occupiers as a result of overlooking. Some concern has been expressed to the reflection from glass coating on the outbuilding. However, there is no clear indication that this would cause significant harm to neighbouring occupiers.
15. The hairdressing salon use has the potential to produce hazardous waste including chemical and sharp waste and other waste, such as, hair clippings. The application states that waste associated with the development is kept in specific waste bins (clinical, sharps, recycling and general) to ensure any hazardous waste is kept separate from other waste and to protect people from any dangers. It is advised that waste collection is via a private waste contractor for businesses including the collection of hazardous waste. The submitted waste storage scheme and facilities can be secured by a suitably worded planning condition (condition 6). Some concern has also been raised to compliance with health and safety laws. However, that is a matter separate to planning.

16. Other concerns relate to the proximity of the use to neighbouring dwellings and the outbuilding not having been purpose built for commercial use, there potentially being no ventilation and during summer months the salon could get hot, alongside the potential for harmful emission of chemical materials into the air that might cause odour and reduced air quality. However, there is no clear indication that these matters would bring about significant environmental problems as a result of the development. Furthermore, there is no clear indication that there would be a loss to property values in the area or that waste water would not be adequately dealt with at the site. In addition, there is no clear indication that the use would compromise security in the locality.
17. I have been directed to a swimming pool business at 56 Whitehouse Road. However, that was a different proposal where different considerations will have applied. The proposal before me can and should be considered on its own individual merits. There is no substantive indication that this proposal would set a precedent for other commercial uses that would, in any event, be considered on their own merits.
18. It has been pointed out that other hair salons in the area are located at commercial premises and pay commercial rates. Tax, commercial insurance and public liability are matters for the appellant.
19. It has been highlighted that the hair salon may be difficult to access in the event of fire, however I note that Essex County Fire and Rescue Service has raised no objection to the proposal.
20. It is contended that neighbouring residents did not receive notification letters and that a site notice was not displayed. The Council has advised that the application was publicised in accordance with the legal and statutory requirements. Any issues relating to the Council's handling of the planning application should be taken up with the Council separate to this appeal.
21. A comment points out that the land is on the site of an ancient pond. However, no information or explanation as to how this may impact the proposal has been put forward. Comments also point out that there are protected oak trees along the highway and there is a variety of wildlife in the locality. There is no clear indication that harm to trees and/or wildlife would take place as a result of the proposed development.
22. The development would not impact a priority habitat and impacts less than 25sqm of onsite habitat and 5m of linear habitats such as hedgerows. The Council comments that the development would therefore be subject to the Biodiversity Net Gain (BNG) de minimis exemption and is exempt from BNG requirements. Furthermore, the Council indicates that the development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) as it would not create a new dwelling or over 100sqm of new floor space.

Conditions

23. I have considered the planning conditions put forward by the Council in light of paragraph 56 of the Framework and the Planning Practice Guidance. As the development has already commenced there is no requirement to impose the standard time limit condition. In the interests of certainty, it is appropriate that there

is a condition requiring the development be carried out in accordance with the approved plans.

24. Conditions are required to ensure the development is implemented and operated in accordance with the permission sought, hours of operation sought, number of clients/staff sought, to enable the Local Planning Authority to retain control of the use of the floor space in the interests of neighbouring living conditions and/or the character of the area. Noise and waste conditions are also required in the interests of neighbouring living conditions and/or the character of the area.

Conclusion

25. For the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall only be undertaken and operated in accordance with the following approved plans: Location Plan; 192/01; 192/02A.
- 2) Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from powered machinery, equipment and activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest neighbouring noise sensitive premises.
- 3) The use hereby approved shall be restricted to the outbuilding as shown in approved plan no 192/01 and it shall only be operated as a hairdressing salon by the occupiers of 19 Blatches Chase and shall not be operated for any other purpose except for other such purposes which are incidental to the residential use of the dwelling known as 19 Blatches Chase. The permitted use shall be operated only inside the outbuilding with the doors and windows closed during operation and in no other part of 19 Blatches Chase including its external garden area.
- 4) The hairdressing salon use hereby approved shall not be operated outside the following hours: 09:00 to 18:00, Tuesday to Saturdays and it shall not operate at any other times including at any time on Sundays or Public and Bank Holidays.
- 5) No more than two (2) employees at any one time shall work at the application site (an occupier of 19 Blatches Chase and one other employee) and no more than three (3) clients at any one time shall be allowed to be treated and/or wait to be treated at the application site and no more than seven (7) client appointments shall be held on any one day.
- 6) Within two (2) months of the date of this grant of planning permission, the waste storage scheme and facilities shall be implemented and made available for use at the site in accordance with the details within the submitted documents 'Response to Third Party Consultation Responses letter dated 3rd January 2025 by MJD Planning' and the email from the agent dated 09.01.2025 or alternative details which shall be submitted to and approved in writing by the Local Planning Authority pursuant to this condition. If the waste storage scheme and facilities are not implemented and/or made available for use in full accordance with the details approved under this condition within two (2) months of the date of this grant of planning permission the use of the outbuilding as a hairdressing salon shall cease and revert to ancillary residential use only until such time as they are. The waste storage scheme and facilities shall be permanently maintained thereafter for the lifetime of the development.

End of schedule