



Appeal Decision

Site visit made on 15 July 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/B1550/W/25/3364676

24 Marylands Avenue, Hockley, Essex SS5 5AH

- 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 Mrs Natasha Lisner (Natasha's Hair Boutique) against the decision of Rochford District Council.
- The application Ref 25/00092/FUL was approved on 10 April 2025 and planning permission was granted subject to conditions.
- The development permitted is 'Change of use of room within the side extension for mixed personal and business use as a hair salon'.
- The condition in dispute is No 5 which states that: *The use of the extension for hairdressing purposes shall not take place other than between the hours of:*
Monday to Friday 0900 hrs to 2000 hrs
Saturday 0900 hrs to 1300 hrs
Sunday Nil hrs
[With no Sunday or Bank Holiday working]
- The reason given for the condition is: *To protect residential amenity and general environment quality.*

Decision

1. The appeal is allowed and the planning permission Ref 25/00092/FUL for change of use of room within the side extension for mixed personal and business use as a hair salon at 24 Marylands Avenue, Hockley, Essex SS5 5AH granted on 10 April 2025 by Rochford District Council, is varied by deleting condition 5 and substituting for it the following condition:
 - 1) The use of the extension for hairdressing purposes shall not take place other than between the hours of:
 - Monday to Friday: 0900 hrs to 1430 hrs and 1730hrs to 2100 hrs
 - Saturday: 0900 hrs to 1600 hrs
 - Sunday: Nil hourswith no Sunday or Bank Holiday working.

Background and Main Issue

2. Planning permission was granted for conversion of one room in a previously approved single storey side extension, for use as a hair salon for personal and business use. The Council imposed a condition limiting the hours of use to 0900 to 2000 from Monday to Friday and 0900 to 1300 on Saturdays.
3. The appellant considers that the finishing hours dictated by the condition are unreasonable. As submitted, the appeal sought extension of the approved hours, to allow the salon to operate until 2100 from Monday to Friday and 1600 or 1700 on Saturdays. However, in response to the Council's statement of case, the appellant submitted further written representations proposing that a 'split schedule'

could be introduced. Specifically, it was proposed that the appeal be allowed with an amended condition to permit the following working hours:

- Monday to Friday: 0900 hrs to 1430 hrs and 1730 hrs to 2100 hrs
- Saturday: 0900 hrs to 1600 hrs
- Sundays and bank holidays: closed

4. The alternative schedule would include start and finish times consistent with those originally sought in the appeal. The Council has been given an opportunity to comment on the proposed split schedule, but did not respond. When considering the appeal, I have had regard to the extended hours as originally sought, and also to the proposed split schedule, and am satisfied that no prejudice would arise to any party as a result of my having done so.
5. Against the above background, the main issue is whether the disputed condition is reasonable or necessary to safeguard the residential character of the area and living conditions for occupiers of nearby properties.

Reasons

6. The appeal site contains a semi-detached house, with a single storey extension to the side. The hair salon is in the rear part of the extension. It is fitted with a hairdressing chair and hair-washing sink, as well as a desk for administrative work. An external door to the side provides customer access separate from the rest of the dwelling, via a footpath and gate alongside the boundary.
7. In the Framework, paragraph 85 says that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Reflecting that at a localised level, Policy DM33 of the Rochford Development Management Plan 2014 (RDMP) supports uses operating businesses from dwellings, where planning permission is required, subject to a series of criteria. Those most relevant are (i) that the use remains linked to the residential use and residential remains the primary use and (iii) that the use will not have a significant adverse effect on residential amenity.
8. The salon is well integrated into the layout of the dwelling, notwithstanding the separate customer entrance, and it is fitted out in a manner suited to use by a single hairdresser, working from home. The intensity of business operations is limited by both the size of the salon and the other conditions imposed by the Council. In terms of its scale and layout, the use is clearly linked to the dwelling. There is little external indication of commercial activity, and the site remains predominantly in residential use.
9. While there are several neighbouring properties, the property most at risk of increased noise and disturbance would be the dwelling directly alongside the salon at 26 Marylands Avenue (no. 26). This adjacent bungalow has an attached garage next to the appeal site, with the principal windows being to the front and rear. Both properties have a driveway at the front, separated by a low fence. There is a conservatory at the rear of no. 26, with side windows facing towards the appeal site. However, this is set further back than the salon, at a lower level, and the boundary is well screened by a close boarded fence and hedging. Consequently, the salon does not have a very direct relationship with the neighbouring conservatory or rear garden. Nor is it close to any of the other neighbouring dwellings.

10. The arrival and departure of customers may be perceived by occupiers of no. 26, but that activity would be mainly concentrated on the front driveway and in the area between the flank walls, without intruding closer to the quieter, more private areas in the back garden or conservatory. There is an air conditioning unit in the salon, so the windows and door do not need to be opened for ventilation, mitigating the risk of odour and noise being transmitted outside the envelope of the building. There is space for customer parking on the driveway and the level of vehicle movements in the wider street would be barely any more intrusive than arrivals and departures at the many surrounding dwellings.
11. Taking account of these mitigating factors, use of the salon appears unlikely to disturb neighbouring occupiers to any significant degree. However, arrivals and departures may be audible, external lights may be triggered and there could be some limited level of odour and/or noise if the windows were kept open. While the level of disturbance is likely to remain at a low level, extending the permitted hours of operation to a full twelve hours on weekdays and up to eight hours on Saturdays, as originally proposed, could become cumulatively intrusive within no. 26, which would undermine living conditions for the occupiers.
12. In practice, the appellant does not propose operating for such a continuous extended period, although she seeks more flexibility than is permitted by the current condition. Introduction of a split shift as proposed, including a significant break on weekday afternoons, would be compatible with that aim, as well as slightly reducing the overall number of hours currently permitted.
13. The condition already allows for evening working on weekdays. The additional hour proposed would provide increased flexibility to cater for customers seeking hair appointments after work, without being unreasonably late at night. Given the relatively indirect relationship with the adjacent conservatory and garden, and the level of activity anticipated, enjoyment of the neighbouring property into the evening would not be harmfully compromised.
14. Weekend working would be increased to a greater extent and may be perceived as more intrusive, since neighbouring occupiers are likely to be at home, potentially relaxing in the garden and seeking respite from the working week. Equally, the general level of background noise at the rear is likely to be higher at times when the surrounding gardens are in use. Taking account of the limited likely level of disturbance, the proposed Saturday working hours would not be unreasonably intrusive and there would still be significant periods of respite, since there would be no working on Sundays, public holidays or Saturday evenings.
15. There are other small businesses in the immediate vicinity, which cater for a larger number of customers at any one time and include elements of weekend and evening working. In each case, the hours of work are fragmented, so the permitted commercial activity is not of continuous duration. The area retains a quiet, clearly residential character, albeit with some evidence of small businesses operating from home. The proposed split schedule would be consistent with that character and would strike a reasonable balance between supporting a small business, while avoiding excessively long periods of continuous commercial activity.
16. For the reasons given above, I conclude that a condition restricting the operating hours of the salon is necessary in principle. However, the disputed condition in its

current form is neither reasonable nor necessary to safeguard the residential character of the area and living conditions for occupiers of nearby properties.

17. An alternative condition based on the split schedule proposed by the appellant would not conflict with relevant requirements in Policy DM33 of the RDMP, as summarised above.
18. However, extending the hours of operation without introducing the proposed split schedule would conflict with the requirement in Policy DM33 that the business use will not have a significant adverse effect on residential amenity.

Conditions

19. Having concluded that a condition remains necessary to limit the hours when the hairdressing salon is operational, I have replaced the condition subject to the appeal with one which specifies alternative hours, consistent with the split schedule proposed by the appellant.

Conclusion

20. For the reasons given above, I allow the appeal and vary the original permission by deleting the disputed condition and substituting an alternative condition.

Jane Smith

INSPECTOR