

NEWBURY 19/01060/FUL Pins ref: 3235440	60 Grove Road Newbury Berkshire RG14 1UL	Part retrospective application for erection of domestic shed to be used for hair salon (A1 use) to rear amenity and application for dropped kerb to highway.	Dele Refusal	Dismissed. 16.12.2019
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Procedural matters

The shed has already been erected and internally arranged as a hairdresser's business. The business was not in use during my site visit. However, parties have confirmed that the use has already commenced, although the proposed dropped kerb has not yet been installed. The Inspector therefore determined the appeal on this basis.

The proposal is subject to an appeal against enforcement action. This will be considered separately in due course.

The Inspector's observations of the development were undertaken on site from both the site's rear garden and from the rear garden of 58 Grove Road. The Inspector was satisfied that no parties have been prejudiced by his doing so.

Application for costs

An application for costs was made by Mr A Cornish against West Berkshire District Council. This application is the subject of a separate Decision.

Main Issues

The main issues are:

- the effect of the proposal on the residential character of the host dwelling and the wider area, and
- the effect of the proposed use on highway safety

Reasons

Residential character

The shed is located in the rear garden of the dwelling. The garden is relatively short and rises by around 0.5 metres toward the rear. The frontage of the dwelling consists of hardstanding and loose gravel. The site makes a neutral contribution to the character and appearance of the area. The shed is visible over neighbouring boundary fences and from Sutton Road. However, the visual impact of the proposal would be limited. The structure does not appear out of place within this residential setting.

The appellant has stated that the use operates between 09:00 and 14:30 Monday to Friday, with late opening on Wednesday until 19:30, and 09:00 to 17:00 on Saturday. It employs two staff, consisting of the appellant's partner and her mother. The business has an average of 6 customers daily. The unit is arranged with a small reception area, two stylist's stations, an area for hair washing and a WC.

The proposed use takes place within a dedicated building to the rear of the dwelling. Home-working can be incidental to the enjoyment of the dwelling house. However, this is exceeded by the proposal, due to its relationship to the existing dwelling and intensity of use. The proposal would consequently erode the residential character of the site.

The frequent attendance of customers to the rear garden would have a fundamental impact on the site's residential character. Furthermore, the rear garden would be used as part of the access to the premises. The level of commercial activity would be greater than the appellant's

examples of a child-minding service or normal activities associated with a dwelling with frequent visits throughout the day. Although unlikely to have a significant effect on neighbour's living conditions, the nature of the use would be incongruous with the local residential character. Furthermore, although the proposed use would not receive deliveries, walk-in customers, or have on-site advertisement, the commercial activity would be overt.

The proposed plan shows parking for four vehicles on the frontage. The spaces would need to be marked out to enable all 4 spaces to be readily available. The existing loose gravel, on half of the frontage, would therefore need to be replaced with hard-surfacing for marking out purposes. However, the appearance of hardstanding and its marking out would result in the visual commercialisation of the frontage. Consequently, the associated commercial activity of the use would demonstrably alter the residential character of the site. The appearance of the frontage and the associated commercial activity would be harmful to the character of the residential area.

Accordingly, the proposal would fail to comply with policies CS14 and ADPP1 of the West Berkshire District Council Core Strategy Development Plan Document 2012 (CS). These seek amongst other things, for development that respects the character and appearance of an area and for the scale and density of development to be appropriate to a site's accessibility, character and surroundings. Furthermore, the proposal would not comply with policy CS19 of the CS, which requires new development to be appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The Inspector found that this policy is not exclusive to historic areas and requires a holistic approach to development that considers the District as a whole. Also, the proposal would not comply with the National Planning Policy Framework (The Framework) which seeks development that is sympathetic to the local character.

Policy CS9 of the CS, states that new office development will be directed towards West Berkshire's town and district centres. The supporting text to the policy, at paragraph 5.48, explains that the policy relates to uses falling within the B1, B2 and B8 use class. Conversely, Policy CS11 relates to retail use and seeks to direct 'main town centre uses' to the town and district centres to protect their vitality and viability. Consequently, policy CS9 is not directly related to retail use and has no bearing on the merits of the proposal.

Highway safety

The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy P1, of the West Berkshire District Council Housing Site Allocations Development Plan Document 2017 (DPD), establishes parking standards for new residential development. This requires 2.5 parking spaces for new dwellings with 3+ bedrooms in zone 21. This provides a useful guide as to the Council's general expectations for parking provision for a dwelling of the size found on the appeal site. This enables me to understand the level of parking that might remain for the proposed commercial use. Furthermore, appendix 5 of the West Berkshire District Council Local Plan 2007 (LP) provides commercial parking standards. These require parking of 1 space per 30sqm of retail use. Saved policy TRANS1 of the LP, states that parking requirements will depend on the availability of alternative modes and standards below the maximum may be applied in more accessible locations. The appellant also identifies that there are bus stops within 200 metres of the site and that the site is within the settlement boundary of Newbury.

On his visit, the Inspector observed that on-street parking was unrestricted and readily available. Moreover, the majority of local dwellings have on-plot parking provision which would limit demand for on-street parking. Also, he would expect demand from residents and their

visitors for on-street parking to be less in the day-time than during evenings and weekends. There would, therefore, be only a limited overlap with the proposed use at peak times on a Saturday. Representations have suggested that the proposal has created on-street parking which has been hazardous and disruptive. Furthermore, representations also indicate that the nearby recreation ground attracts on-street parking at weekends. However, based on the Council's policy expectations and his site observations, on street parking demand for the proposal would be limited. Consequently, the proposed on-site commercial parking, the availability of on-street parking and the availability of public transport, would be sufficient to prevent an unacceptable impact on highway safety.

Turning to the effect of the use of the proposed parking, Grove Road is a classified road with footways either side and with streetlights. The highway is flat and straight for a significant distance in both directions. The junction of Sutton Road is nearby, but there are closer driveways to it.

The proposed parking activity would result in up to 4 vehicles reversing onto Grove Road. Visibility splays could be hampered by the proximity of adjacent parked cars. However, space is available behind the parking area for motorists to see clearly before entering the highway. As a consequence, the intensification of the frontage would not have an unacceptable impact on highway safety. The Inspector noted the concerns of a neighbour regarding anti-social parking. However, these effects could be mitigated through road traffic enforcement. Furthermore, in any event this activity could result from visitors to the existing residential use.

Accordingly, the proposal would comply with policy CS13 of the CS, which requires development to provide travel choice and access to sustainable travel. Furthermore, policy P1 of the DPD relates to parking provision associated with residential development and is therefore not relevant to the determination of the proposal.

Other matters

The property of 71 Northfield Road was subject to planning permission in 2018. This was for the conversion of an outbuilding to a hair dressing salon. Although each case must be determined on its own merits, the approved scheme shares many characteristics with the appeal proposal. However, the outbuilding was adjacent to the main dwelling, it retained a large separate rear garden and did not include customers passing through the rear garden. Also, the forecourt enabled the on-site turning of vehicles. Accordingly, although the Inspector had limited details of that case, he found material contextual differences between these cases.

The appellant offers conditions that would impose a personal consent and limit the hours of use to those stated. These would reduce the effect of the proposal on residential amenity and parking provision but would have only a limited bearing on its adverse impact on the residential character of the area.

Some retail activity can be found in residential areas away from local centres, such as the Tesco express store identified by the appellant. However, the Framework and policy CS11 of the CS, seeks to primarily locate retail development within centres to ensure users have good access to public transport and joined up travel patterns. Furthermore, the planning merits associated with the Tesco store was not before the Inspector and he could not therefore be certain that the planning context is comparable.

Conclusion

For the above reasons, the appeal is dismissed.

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