

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 June 2023

APPLICATION REF. NO: 23/00189/FUL

STATUTORY DECISION DATE: 14th April 2023
Extension of Time Agreed 19th June 2023

WARD/PARISH: Heighington And Coniscliffe

LOCATION: 61 Pinewood Crescent Heighington
Newton Aycliffe DL5 6RR

DESCRIPTION: Change of use of integral garage (Use Class C3) to a home working hairdressing business (Use Class E) including alteration to garage door and to regularise first-floor window to side elevation (part retrospective) (additional Planning Statement 13/03/2023 and amended plans and extractor fan details received 24/03/2023)

APPLICANT: Mrs Kim Gibson

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The application property is a large, detached northwest facing property on the south side of Pinewood Crescent in Heighington. The property has previously been extended by the addition of a single storey extension to the rear and a first-floor side extension. Planning permission has also recently been granted for the erection of a two-storey side extension which provided an integral garage with external pedestrian access from the side elevation, small utility and cloakroom and an open plan kitchen on the ground floor

and a bedroom with en-suite at first floor. This planning permission has been implemented (21/01190/FUL).

2. This application seeks full planning permission for the change of use of the integral garage approved under the 2021 permission (Use Class C3) to a hairdressing business (Use Class E). The submitted planning statement sets out that the opening hours would be as listed below, and that the business would operate on an appointment only basis with no drop-in appointments allowed.

Monday – Friday 9am until 6pm
Saturdays 8am until 2pm
Sundays and Bank Holidays Closed

3. The statement also sets out that there would be a 15-minute break between appointments and a 1-hour lunch break would be scheduled into the working day. A typical working day would average between 4 and 6 customers, with between 1 and 4 customers on Saturdays depending on the service required and assuming a full appointment book.
4. The integral garage would be refurbished for use as a hairdressing salon to be used by the applicant only and would comprise a hair wash station and salon chair. The garage door would be replaced by a pedestrian door with glazed panels to either side, one of which will contain an opening window to provide ventilation. To the rear of the garage, a separate wc would be provided for customers to use. An extractor fan is to be ducted through the existing wc and will be positioned on the rear elevation facing south, below the height of the shared boundary wall.
5. A total of 3 parking spaces are proposed to the front of the property to serve the dwelling and hairdressing business.
6. The application also seeks to regularise a window which has been installed in the side elevation of the property at first floor.

MAIN PLANNING ISSUES

7. Site History

- 02/00522/FUL Construction of conservatory to rear of dwelling GWC 11.07.2002
 - 20/01189/FUL Erection of two storey side extension with integral garage GWC 01.02.2021
 - 21/01190/FUL Erection of two storey side extension with integral garage (revised scheme) (as amended by plans received 03/11/2021) GWC
8. The main issues to be considered here are whether the proposed use is acceptable in terms of its impact on the following:

- a) Impact on the Character and Appearance of the Area
- b) Residential Amenity
- c) Highway Safety
- d) Other Matters

PLANNING POLICIES

9. The following policies are relevant to consideration of the application:

Darlington Local Plan (2016:2036)

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity

IN4: Parking Provision including Electric Charging Points

The National Planning Policy Framework 2021

RESULTS OF TECHNICAL CONSULTATION

10. The Council's Highways Engineer and Environmental Health Manager have no objections to the principle of the development. Heighington Parish Council have not commented on the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Sixteen letters of objection have been received as a result of the consultation and publicity exercise, and the comments received can be summarised as follows:

- *Proposed frontage not in keeping with look of a residential property*
- *Possible intensification of use (additional employee)*
- *Proposal would result in an increase in traffic which would have an impact on highway safety, given that the property is situated close to a busy three-way junction (visibility problems for pedestrians) and a children's play area*
- *Increase in additional on street parking given that Clients will choose not to park on driveway and are more likely to park on the roadside/pavement which would result in driveways being blocked*
- *Concerns regarding safety of young children who wish to play out*
- *Due to the narrow depth of the driveway large vehicles will overhang onto footway causing further obstructions*
- *Increase in traffic will have an environmental impact and increase the health risks of residents and would impact the quiet residential area*
- *Residential homes should not be next to a commercial property offering services*
- *Sufficient shops and amenities within the village, residential properties do not need to be converted*
- *Would set a precedent and potentially open the floodgates for other people wanting to convert to mixed uses within Class E*
- *Approved two storey extension with downstairs wc was for domestic use not commercial*
- *Extractor fans will emit perfumed and chemical treatments into our garden and the noise output would be unacceptable*

- *Nearby occupants would not have bought their properties if they had known a commercial property was being opened up*

12. Five letters of representation have also been received and the comments can be summarised as follows:

- *Salon would be an excellent addition to the village*
- *Adequate parking within site will stop parking on the roadside*
- *It is not a 'commercial property' it is one person who simply wishes to work from home which should be encouraged*
- *Proposal would not impact residential amenity or the local environment*
- *Proposal would align with the principles of sustainability*

13. The comments received also include concerns regarding the impact the change of use would have on the value of the neighbouring residential properties, and competition with other businesses within the village. Neither are material planning considerations.

PLANNING ISSUES/ANALYSIS

a) Impact on the Character and Appearance of the Area

14. The application property is a large, detached property on Pinewood Close on a modern residential development which is close to the junction with Greenhill Road, Burnbeck Place and St Michael's Crescent.

15. This proposal seeks full planning permission to change the use of an integral garage to a hairdressing salon which will involve a minimal external change with the garage door being replaced with a pedestrian door with glazing to either side. The proposed replacement door has been amended since the proposal was first submitted and is now considered to be visually acceptable and will not adversely impact on the character and appearance of the area.

16. Planning permission is also sought to regularise a first-floor top opening side window which measures 1m in height by 0.5m wide and which is opaque glazed. This window was approved under the previously planning permissions. The approved plans did not show a top opening window, however as installed this is no larger than the approved window and will not have any particular impact on the character and appearance of the surrounding area.

17. It is accepted that the running of a hair salon differs to that of the residential area in which it is located. The planning statement submitted with the application sets out how the business is to be run, by the applicant as the owner and sole employee of the business on an appointment only basis, during defined opening hours Monday to Saturday. Given the size and scale of the proposed salon within an existing single garage measuring approximately 2.6 metres by 3.8 metres internally and comprising a

hair wash station and salon chair, the activities of the salon, are not considered to be inappropriate for this wider residential area.

18. The impact of the proposed use on the amenities of nearby residential properties and on parking and highway safety will be considered in the next sections of this report, however overall it is not considered that the proposed change of use would adversely impact upon the character of the area and would be in general compliance with Local Plan Policy DC1. This is also taking into account a number of conditions that could be attached to limit its impact on the surrounding area in terms of opening hours, limiting the use to a hairdressing salon only, and making the permission personal to the applicant.

b) Residential Amenity

19. The application property is a detached dwelling with some separation from the neighbouring properties either side. Pinewood Crescent slopes from east to west, and due to this change in levels neighbouring properties either side and opposite the application property are orientated in such a way that they do not look directly onto one another. The neighbouring property to the east, 32 St Michael's Crescent, faces in an easterly direction, with the neighbouring property to the west, 39 Westwood Avenue, facing west, with the two properties separated by a detached double garage block.
20. Due to the detached nature of the property and the spatial relationship of neighbouring properties it is not considered there would be significant noise transmission from the salon within the garage, given the small-scale nature of the proposal to be run by the applicant as the sole employee.
21. While there would be additional comings and goings to the property over and above that associated with normal visits to a residential property, the proposed hours of opening are during day time hours when a higher level of background noise is expected and when most people are out at work. There would be no evening opening and the salon would only open until 2pm on a Saturday, with no opening on a Sunday or Bank Holiday. Furthermore, the salon would run on an appointment only basis with an average of 4 – 6 clients per day, limited by the small-scale nature of the proposed salon.
22. It is considered that overall, the proposal the amenities of the neighbouring residential properties would not be significantly harmed by the coming and goings of customers or vehicles, subject to planning conditions limiting the hours of opening and ensuring the permission is personal to the applicant only.
23. Concern has been raised regarding the proposed extractor fan in the rear (south) elevation of the property and the potential for this to emit smells from perfumed and chemical treatments and that the noise output would be unacceptable. Products will be required to carry out the services offered (hair dyes & hair sprays) and the submitted planning statement sets out that these products are available to the general public, and

a ducted extractor fan is to be installed in line with Health & Safety Executive (HSE) standards which will allow fresh air to circulate through the salon. Furthermore, the proposed window on the front elevation can be opened to allow fresh air into the room, whilst the opening of the door will create a 'purge ventilation'.

24. The Council's Environmental Health Manager has considered the submitted information regarding smells and noise output from the extractor fan and based on consideration of this technical information advises that it will not give rise to any concerns regarding residential amenity.
25. In regard to the regularisation of the first-floor window on the side elevation which looks out from the en-suite and is obscure glazed. The window will not raise any amenity issues given that it is obscure glazed in perpetuity and will remain so in perpetuity and this will be secured by planning condition.
26. Subject to the planning conditions outlined, the use of the integral garage as a hairdressing salon will not result in unacceptable noise, nuisance and disturbance to the amenities of neighbouring dwellings and the proposed use would accord with Local Plan Policy DC4.

c) Highway Safety

27. The submitted site plan indicates that the site will have 3 parking spaces which would occupy the full width of the frontage, and the plan demonstrates how the parking will be arranged. There are also no on-road restrictions on Pinewood Crescent.
28. The Tees Valley Design Guide advises that dwellings of four or more bedroom should have 3 in-curtilage parking spaces in order to prevent an overspill onto the public highway. Whilst the dwelling has sufficient parking to meet the residential needs of the household there are no specific standards for hairdressing salons within the design guide, instead engineering judgement must be applied.
29. Concerns have been raised that the driveway will not accommodate larger vehicles which would overhang into the footway. Spaces 1 & 3 measure 5.4m in length and as such can accommodate large cars without any overhang, whilst the middle space is smaller at 4.5m there is space for a large car to use this space if parked on an angle and which therefore result in no overhang.
30. In regard to patron parking, the applicant has provided a detailed explanation on how bookings will not overlap and as such only one parking space will be required at one time and the residential needs of the dwelling would not exceed two spaces at any one time.
31. Whilst a number of concerns have been raised in regard to highway safety, DBC's Highways Engineer has conducted a review of accident history which suggests there are no inherent safety issues at or near to the application site, or that the very minor traffic

generation associated with the proposal would have a detrimental impact on highway safety. Although it may be relatively unusual to have a commercial business within a residential estate, other significant traffic generators such as schools and leisure centres are often located within housing estates without resulting in an unacceptable impact on highway safety or residential amenity. Whilst acknowledging that minor incidents often go unrecorded, a review of the most recent five-year period demonstrates that only one 'minor' personal injury collision has been recorded within the whole village.

32. In regard to concerns with regard to parking on or within close proximity of the nearby junctions and that clients may block neighbouring driveways. It is the responsibility of all drivers to park safely and responsibly in accordance with the Highway Code.
33. Whilst acknowledging that the proposal will create some additional parking demand and vehicle movements, the increase is not so significant as to have a detrimental impact in regard to the environment or the health risks of residents. The Highway Engineer considers that provided the business operates within the scope of what is set out in the submitted planning statement, and in accordance with the suggested planning conditions, there is no evidence to recommend refusal on highway safety grounds, or impact on residential amenity from insufficient parking or additional traffic. It is also worth noting that to warrant a refusal under the NPPF guidance the increase in traffic generated by the change of use would have to result in a 'severe impact'.
34. Overall and on balance the proposal would accord with Policy IN4 of the Local Plan in this regard.

Other Matters

35. Whilst the wc does not comply to current Building Regulation Standards as set out in Approved Document M for disabled access, any patrons who cannot access the toilet would be offered a home visit service.
36. In regard to concerns raised that approving the proposal would set a precedence, each planning application is looked at on its own merits.

THE PUBLIC SECTOR EQUALITY DUTY

37. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

38. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

39. The proposal for a hair salon within the garage as part of a mixed use of the property is considered to be acceptable in principle and would not unduly harm the character of the wider area or the amenity of the neighbouring occupiers, subject to planning conditions to safeguard the amenities of the surrounding residential area. It is also considered that the proposal would not have an adverse impact upon highway safety. The proposal is considered to meet relevant Local Plan policies and accordingly it is recommended that:

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON – To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:

- Existing & Proposed Floor Plans & Elevations Drawing Number 2819-1F dated 24/03/2023
- Proposed Parking Plan and Building Regulations Drawing Number 2819-2C dated 24/03/2023

REASON – To ensure the development is carried out in accordance with the planning permission

3. This permission shall be solely operated for the benefit of the applicant, Mrs Karen Gill and shall not run with the land. Mrs Gill should be the sole employee of the business. In the event of Mrs Gill vacating the premises the integral garage shall revert to residential use.

REASON – In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of Mrs Karen Gill vacating the premises.

4. The hair salon hereby approved shall not be open for business outside the hours of 9.00am – 6.00pm Monday to Friday, 9.00am – 2.00pm on Saturdays and there shall be no opening on Sundays or Bank Holidays.

REASON – In the interest residential amenity

5. The integral garage shall be used only as a hair salon and for no other purpose (including any other use in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order).

REASON – The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes of use within the same class in the interests of amenity.

6. The use hereby approved shall not operate until the full width driveway has been provided in accordance with the details as shown on drawing number 2819-2C dated 24/03/2023 entitled 'Proposed Parking Plan and Building Regulations Drawing'.

REASON – In the interest of highway safety

7. The window formed in the first-floor side elevation (east) shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby premises.