

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 June 2025

APPLICATION REF. NO:	25/00283/FUL
STATUTORY DECISION DATE:	26 th May 2025 Extension of Time Agreement 16 th June 2025
WARD/PARISH:	Brinkburn and Faverdale
LOCATION:	7 Amberley Grove Darlington DL3 0GG
DESCRIPTION:	Change of use of the existing detached garden room located in rear garden to a hairdressing salon (Use Class E) with associated works
APPLICANT:	Mrs Karen Whitehouse

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=ST4B6DFP0M900>

APPLICATION AND SITE DESCRIPTION

1. The application property is a south facing, detached two storey dwelling and the surrounding area is predominantly residential in character.
2. This application seeks full planning permission for the change of use of an existing detached garden room (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:-
Tuesday – Friday 8am until 2pm
One Saturday per month, 8am until 12 noon
Monday, Sundays and Bank Holidays Closed.
3. The statement also sets out that a typical working day would average between 2-6 clients and that there will be a 15-minute break between appointments to allow for a tidy up and to ensure that there are no overlaps in bookings.

4. The Planning Statement has been revised since the application was first submitted in that the use has intensified from three days to four days and ambulant steps and handrails are to be added to the structure. The statement also clarifies that the applicant is to use the salon for two days and that her daughter, Jenna Whitehouse, who lives at the same address is also to use the salon for two days following her maternity leave. And that whilst there are 6 off street parking spaces within the curtilage of the property, a minimum of one parking space is to remain available for use by customers during operational hours, should approval be given.
5. Additional plans have also been received which clarify the existing parking arrangements.

MAIN PLANNING ISSUES

6. The main issues with this application are:
 - a) Impact on the character and appearance of the property;
 - b) Impact on residential amenity;
 - c) Highway safety;
 - d) Flood Risk;
 - e) Other Matters.

PLANNING POLICIES

7. Relevant planning policies include those seeking to ensure that new development: -
 - Promotes good design to create attractive and desirable places to live, work and invest and follows the design principles of the Design of New Development SPD (DC1).
 - Will be designed to mitigate and adapt to climate change (Policy DC2)
 - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (DC4).
 - Provides suitable access and facilities for people with mobility issues (IN 2)
 - Provides suitable and safe vehicular access and parking arrangements (IN 4).

RESULTS OF TECHNICAL CONSULTATION

8. Darlington Borough Council's Highways Engineer and Environmental Health Officer have raised no objections to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Three letters of objection have been received from No's 3, 14 and 17 Amberley Grove as a result of the consultation and publicity exercise, and their comments can be summarised as follows:-
 - Highway safety, increase in traffic and lack of parking provision within a residential cul-de-sac.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property

10. The application property is a large, detached dwelling which is tucked into the corner of a cul-de-sac on a modern residential development.
11. This proposal seeks full planning permission to change the use of an existing detached garden structure into a hairdressing salon which will involve a minimal change with the addition of ambulant steps and handrails replacing the existing steps.
12. It is accepted that the running of a hair salon differs to that of the residential area in which it is located and the revised planning statement submitted with the application sets out how the business is to be operated, with the applicant working two days, and her daughter working two days, during defined opening hours between Tuesdays and Fridays; one Saturday per month and not at all on Mondays, Sundays, or Bank Holidays.
13. Whilst the submitted plans show two workstations, a backwash station and seating area, it is considered appropriate to add a planning condition which restricts the operation to only one hairdresser at a time. And given that the size and scale of the proposed salon which is to be within an existing garden structure the activities of the salon are not considered to be inappropriate for this wider residential area.
14. 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) Impact on residential amenity

15. As stated, the application property is a large, detached property which is tucked into the corner of a cul-de sac which is made up of 38 properties and which has a double garage and parking area to the front of the property. The property backs onto Rotary Way, and whilst No. 11 Amberley Grove shares the western boundary and No. 5 Amberly Grove shares the eastern boundary, No. 5 Abercorn Court which is to the east is sited to the other side of a public footpath.
16. The existing detached garden structure is tucked into the northeastern corner of the site and given the small-scale nature of the proposal, significant noise transmission from the salon is not to be expected and Darlington Borough Council's Environmental Health Officer has made no comments on the proposal.

17. It is acknowledged that 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 daytime 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 one day per month on a Saturday until 12 noon, with no opening on a Sunday, Monday or Bank Holidays. Furthermore, the salon would run on an appointment only basis for 6 hours per day (Tuesdays to Fridays) and its use will be limited by the small-scale nature of the proposed salon.
18. And whilst both Karen Whitehouse and Jenna Whitehouse could operate from the business, a planning condition would secure that should Karen Whitehouse vacate the premises the detached garden structure would revert to an ancillary use to the main residential use of the application property.
19. It is considered that overall, 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 that the garden structure would revert back to an ancillary use, should Karen Whitehouse vacate the premises and that given that the business can only be operated by one hairdresser at a time.
20. Subject to the planning conditions outlined, the use of the detached garden structure 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, Parking Provision and Accessibility

21. Concerns have been raised from three properties within the cul-de-sac in regard to highway safety and the lack of parking provision given that the proposal will see an increase in traffic into a small cul-de-sac on a tight corner and that there is not enough space for an extra 6 vehicles and that parking within the cul-de-sac is already overloaded resulting in problems when entering and leaving and that any increase in traffic would have an adverse impact on the safety of young and elderly residents.
22. The objectors have also stated that the plans detailing six parking spaces are inaccurate (two within the double garage and four on the driveway) and that the property already has 4 cars and a works van, and that the driveway does not appear large enough for four vehicles. And that the proposal will therefore result in cars being parked in front of other residential properties, and that this should not be allowed.
23. No. 17 Amberley Grove has also commented that the additional drawings do not show the position of No. 9 and how close the vehicles will be to No.9's driveway and that their concerns in their initial objection in regard to highway safety have not been addressed. However, it is worth noting that No, 9 has not objected to the proposal.

24. Darlington Borough Council's Highways Engineer has commented that the dwelling has a double garage with an additional driveway space which will accommodate a further two larger vehicles given that it is longer than most residential driveways on modern housing estates. The Highways Officer has raised no objections to the proposal provided that a robust booking system is put in place to prevent overlapping of appointment arrival and departures to ensure that additional parking demands will be limited. The Officer has suggested that a suitable planning condition should be attached to any approval granted to limit daily bookings in the interest of residential amenity. And has noted that similar applications for low level business such as hair/beauty and dog grooming which appear to operate without issue when well managed and subject to appropriate controls.
25. Photos have been provided which show that four vehicles can be parked in tandem within the curtilage of the property. There are no parking restrictions within the cul-de-sac and google imagery, shows cars parked outside properties, half on the pavement and half on the road. It is also worth noting that the application site is at the head of the cull de sac, that there is no through traffic, and given the booking system, the proposed business will only result in one additional car at a time.
26. Policy IN2 sets out that new development should provide suitable access and facilities for people with mobility issues. And the existing garden room currently has three steps leading up to bi-fold doors which have a height of 400mm.
27. The revised Design & Access Statement sets out that the existing external steps up to the proposed hair salon are to be re-designed to form a wider landing of 1300 mm at the top of three ambulant disabled steps with handrails to each side.
28. Darlington Association on Disability (DAD) have commented on the application and whilst acknowledge that the area and level difference due do not lend itself to installing a permanent ramp. They are of the opinion that installing ambient steps, would not provide sufficient mitigation to enable a wheelchair user to access the hair salon and therefore the applicant as a service provider would not fully comply with the Equality Act 2010.
29. Whilst acknowledging that the ambulant steps have been designed with accessibility in mind, for people who have mobility issues and that they would not be fully compliant with Policy IN2, given that they will not aid access for typical wheelchair users. The steps are considered to be a reasonable and proportion adjustment for this level of business use and the applicant has been made aware regarding her duties as a service provider in regard to the Equality Act 2010.
30. Rather than limiting the number of daily bookings, given that this number can vary depending on the complexity of the services (cuts, colors, styles), planning conditions can be attached, should approval be given, to ensure that the business operates as stated in the supporting planning statement and the proposal will comply with Local Plan Policy IN 4 on this basis. It would also be considered appropriate to add an additional condition which limits the buildings use as a hair salon.

31. Given the above, the proposal would comply with Policy IN4 of the Local Plan.

(d) Flood Risk

32. The site is within Flood Risk Zones 2 and 3, and the Environment Agency Flood Risk Standing Advice applies, given that the structure is within the curtilage of a residential dwelling. And on this basis the application has been supported by a simple Flood Risk Assessment which confirms that floor levels of the existing garden room are approximately 400mm above the existing floor levels of the dwelling. And that the flood risk assessment for the dwelling was agreed by the Environment Agency during the planning approval for the wider housing development.

33. And given that the garden room is already in situ and is set lower than existing levels of the existing dwelling, flood proofing measures do not have to be provided.

(e) Other Matters

34. Concerns have been raised that the proposal would have an impact on property values, however, this is not a material planning consideration and cannot be taken into account.

THE PUBLIC SECTOR EQUALITY DUTY

35. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

36. 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

37. The proposal for a hair salon within an existing detached garden building 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 suitable 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 given the measures set out in the revised Planning Statement which will be secured by planning conditions and there are no flood risk issues. The proposal is therefore considered to meet relevant Local Plan policies and accordingly it is recommended that:

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (Three Years)

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:

- Proposed Site Layout Plan to Rear Dwg. No. 25.109 04 Rev A
- Proposed Elevations Dwg. No. 25.109 05
- Proposed Block Plan Dwg. No. 25.109 06

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, Karen Whitehouse and shall not run with the land. And whilst Karen Whitehouse shall operate the business with the assistance of Jenna Whitehouse, only one person can operate from the facility at any one time. And in the event of Karen Whitehouse vacating the premises the detached garden structure shall revert to a use ancillary to the main residential use of the application property.

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 Karen Whitehouse vacating the premises.

4. The hair salon hereby approved shall not be open for business outside the hours of Tuesday to Friday (4 days per week) from 8am to 2pm, one Saturday per month between 8am and 12 noon and there shall be no opening on Sundays, Mondays or Bank Holidays. The business shall also operate on a booking system with no overlaps as outlined in the submitted revised Design and Access Statement dated 28th April 2025.

REASON – In the interest residential amenity.

5. The detached timber garden structure 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. Notwithstanding, details included in Condition 2 above, the ambulant disabled steps and handrails shall be installed prior to the commencement of the use and shall remain

in place for the lifetime of this use.

REASON – To accord with Policy IN2 of the Darlington Borough Council Local Plan (2016-2036).

7. Notwithstanding, details included in Condition 2, a minimum of one parking space within the curtilage of the property shall remain available for use by customers during the approved operational hours.

REASON – In the interest of highway safety.