



Appeal Decision

Site visit made on 25 April 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/T2350/W/22/3313514

9 Birtwistle Terrace, Langho, Blackburn BB6 8BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Greenlees against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0873, dated 5 October 2022, was refused by notice dated 1 December 2022.
 - The development proposed is for the change of use and conversion of domestic dwelling into hairdressing salon.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and conversion of domestic dwelling into hairdressing salon at 9 Birtwistle Terrace, Langho, Blackburn BB6 8BT in accordance with the terms of the application, Ref 3/2022/0873, dated 5 October 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) whether the proposal is in a suitable location for the use sought having regard to the development plan, (ii) the effect of the proposed development on the living conditions of surrounding residential occupiers with regard to noise and disturbance; and (iii) the effect of the proposed development on the character and appearance of the host property and the area.

Reasons

Suitable Location

3. The Council has referenced a number of development plan policies, including Policy DMG2 of the Council's Core Strategy 2008-2028 A Local Plan for Ribble Valley (Core Strategy) in its first reason for refusal. This sets out a development strategy for different areas, and in relation to tier 1 villages, within which the appeal site is located, it states that development proposals should consolidate, expand or round-off development.
4. The appellant does not consider the policy to be relevant to a change of use of an existing building, but rather that it relates to new built development. When considering the full text of part 1. of the policy, it states "*development proposals in the principle settlements of Clitheroe, Longridge and Whalley and the tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to*

the scale of, and in keeping with, the existing settlement". Although I have not been provided with a copy of the glossary that the appellant refers to, based on the evidence before me of the definitions of the terms used in the policy and the reference within the policy to how development proposals relate to the main built up areas, this policy is not relevant to the appeal proposal, which relates to an existing building within the main built-up area of Langho.

5. However, even if the policy is considered to be relevant, the proposal would reflect the surrounding pattern of development that comprises of commercial and other community facilities interspersed within a predominantly residential area. Although there is a concentration of commercial properties between the junctions of Moorland Road and Whinney Lane with Whalley Road, I was able to see other commercial uses elsewhere along Whalley Road. The scale of the proposal, which would see the change of use of an existing end terrace residential dwelling, would reflect other commercial uses within terrace properties in the area.
6. I therefore conclude that the proposal would be in a suitable location for the use sought and there would be no conflict with Policies DMB1, DMG1 or DMG2 of the Core Strategy, which seek, amongst other matters, development that is sympathetic to existing land uses and supports the local economy.

Living Conditions

7. The proposed hairdressing salon would have a number of stations for stylists to provide services to clients as well as a reception area. There may be more than 6 people at the appeal property if all the stations are in use or if client appointments overrun. However, even so, the use would not be inherently noisy, consisting of conversations between customers and stylists and from equipment such as hairdryers. Any background music is also likely to be at low level to enable conversations to take place.
8. The Council has raised concerns on noise from comings and goings, including the parking of vehicles outside neighbouring properties. Whalley Road is as the Council has described, a busy main road and given the background noise from passing traffic and vehicle movements associated with the nearby school and nursery, I do not consider the noise from engines starting or from car doors opening and closing would cause unacceptable disturbance to surrounding residential occupiers. As the proposed use would have an internal reception and seating area and the number of people present at any one time would be limited, the likelihood of customers congregating externally is low. Furthermore, the proposal would be restricted in terms of the hours and days of use, and this would ensure any activity generated by the proposed use would not have any undue impact on the living conditions of neighbouring properties, including the occupiers of the adjacent No. 8 Birtwistle Terrace, as a result of any noise or disturbance.
9. For the reasons given above, I conclude that the development would not cause unacceptable harm to the living conditions of surrounding residential occupiers with regard to noise and disturbance. As such, it would not conflict with Policy DMG1 of the Core Strategy, which seeks, amongst other matters, for development not to adversely affect the amenities to the surrounding area.

Character and Appearance

10. The character of the area of Whalley Road in the vicinity of the appeal property is predominantly residential, with each property on the appeal terrace having a regular front elevation that is punctuated with a single front entrance door and single ground floor window that aligns with a first-floor window. This gives a regular rhythm to the built form in the area.
11. Despite this, both end properties on this terrace differ from others in that they each have ground floor bay windows. One end property on a neighbouring terrace also differs from others on that terrace as it has a commercial frontage at ground floor level. In this context, I do not consider the introduction of a traditional shop frontage of around the same height as the bay window it would replace, would be visually incongruous. The first-floor façade of the appeal property would also remain unchanged, other than the painting of an existing window. The removal of the existing front door would furthermore see its replacement with stone that matches the existing on the front elevation.
12. I therefore conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the host property or the area. As such, it would not conflict with Policies DMB1, DMG1 or DMG2 of the Core Strategy, which seek, amongst other matters, a high standard of building design.

Other Matters

13. I note that interested parties have expressed concerns about the proposal including in relation to car parking and on highway safety, particularly at drop off and pick up times at the nearby nursery and primary school. These matters did not form part of the Council's reasons for refusal and the Highway Authority has not objected to the proposal on these grounds. Given the small scale of the proposed use, I do not consider that the parking demand arising would give rise to any unacceptable impact.
14. The proposal would result in the loss of a dwellinghouse and whilst I note reference to a shortage of housing in the Borough, there is no substantive evidence before me that this would be harmful to the supply of housing in the lower budget brackets.
15. I also note concerns in relation to the loss of privacy into the neighbouring property, but both it and the appeal property are only set a short distance back from the public footway and I do not therefore find that the proposal would give rise to unacceptable adverse effects in this regard to the living conditions of neighbouring occupiers.
16. I have considered all other matters raised, including in relation to the need for the proposed use and the extent of consultation undertaken, but none of these matters would alter my conclusions in relation to the main issues.

Conditions

17. I have considered the conditions suggested by the Council and a consultee, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of some of the suggested conditions as appropriate.

18. I have attached a condition relating to materials in the interest of the host property and the area's character and appearance. Conditions controlling the days and times of the use and construction activities, and the use of the first floor are necessary in the interests of the living conditions of surrounding residential occupiers. Conditioning the number of customers at the premises would be difficult to monitor and enforce and nor do I consider this or restricting the use to appointments only to be necessary given the limited size of the premises.
19. Conditions are required to control the use to that falling within Class E (c)(ii) of the Use Classes Order and for the storage of refuse bins within the site in the interests of the character and appearance of the area and pedestrian safety respectively.

Conclusion

20. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Site Plan (Scale 1:500) and Proposed Plan and Elevations (Drawing No: 22X048-002 Rev/Issue No: A).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the submitted plan: Proposed Plan and Elevations (Drawing No: 22X048-002 Rev/Issue No: A).
- 4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the area indicated on Proposed Plan and Elevations (Drawing No: 22X048-002 Rev/Issue No: A) shall only be used for the provision of professional services E(c) (ii) and for no other purpose, including any other purpose within Use Class E.
- 5) The use hereby permitted shall only take place between the following hours: 0900 and 1700 Tuesday-Friday, and 0900 and 1500 on Saturdays, and at no time on Sundays or Public Holidays.
- 6) The first floor area of the premises hereby permitted shall be used for ancillary storage only and for no other purpose.
- 7) All refuse/recycling bins shall be kept within the confines of the site, except on the appropriate collection day.
- 8) No construction or engineering works, or deliveries to and from the site, shall occur other than between 0800 and 1800 hours Monday-Friday, and 0900 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

End of Conditions