



Appeal Decision

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 07.11.2022

Appeal reference: CAS-01690-B0F0K8

Site address: 31 River Avenue, Trelewis, Treharris, CF46 6EF

- 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 Mrs Joanne Munkley against the decision of Merthyr Tydfil County Borough Council.
 - The development proposed is change of use from domestic garage to part time hair salon. Removal of garage door and replacement with bifold doors and window.
 - A site visit was made by the Inspector on 5 October 2022.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from domestic garage to part time hair salon. Removal of garage door and replacement with bifold doors and window at 31 River Avenue, Trelewis, Treharris, CF46 6EF, in accordance with the terms of the application, Ref P/21/0367, dated 24 October 2021, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. The appeal site boundary includes both the dwelling house and its curtilage. A change of use is sought from residential use to a hair salon, which falls within Class A1 'Shops' of the Town and Country Planning (Use Classes) Order 1987 (as amended). The appellant intends for this use to take place within a detached garage, while the dwelling would remain in residential use. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of nearby residents, with particular regard to noise and disturbance; and
 - the vitality and viability of Merthyr town centre and local centres.

Reasons

Living Conditions

4. The appeal property is a detached two-storey dwelling, located in a residential cul-de-sac along River Avenue. Modern dwellings of a similar appearance are located either side and opposite the property, while the rear garden backs on to the garden of another dwelling. A detached single-storey pitched-roof garage is set back from the southern side of the dwelling along a driveway. The garage is brick-built with a tile roof and timber cladding above the door, similar in design to the appeal dwelling.
5. The proposal would convert the garage into a hair salon for use by the appellant, who lives at the appeal property. It is proposed to replace the garage door with a glazed UPVC folding door and full height fixed window.
6. Although my site visit took place on a weekday morning during the autumn, the area had a low noise profile, typical of a suburban residential area, with some pedestrian and vehicle movements. Unexpected noises would be likely to arise from activities within rear gardens or via open windows to dwellings. Noise activity could also arise from garages, such as the use of vehicles, storage, gardening and DIY activities.
7. Given that dwellings are arranged in a tight-knit manner along the cul-de-sac, there is potential for noise and disturbance arising from the salon to impact on residents nearby. This would mainly relate to conversations between the appellant and clients, the use of equipment within the building, client vehicle parking, and clients walking to and from the salon along the driveway.
8. The appellant has confirmed the scope of the business that would operate from the building. The salon would be open for 3 days per week, for a combined total of 22 hours. The appellant states that the favoured appointment schedule would be about 30 clients over a 10-week cycle, equating to between 2 and 3 clients per working day. While I appreciate that customer numbers and appointment patterns could change, the salon would be operated solely by the appellant, who lives at the appeal dwelling. Given the sole operation on a part-time basis as described in the description of development, and limited space afforded by the garage floorspace, it is unlikely that vehicle movements and customer activity of the scale proposed would have harmful noise or disturbance impacts on neighbouring residents.
9. The garage is sited adjacent to the boundary with the rear garden of no 32 River Avenue. While this relatively proximity is noted, it is not considered that the perceived noise from operations associated with the hair salon would differ greatly in amount or frequency over other ancillary uses for which a garage could otherwise be used. The purpose-built nature of the garage would provide adequate noise attenuation for the scale of activity proposed, while the access door and window would also face away from the rear gardens, with no openings proposed on the side elevation facing the garden of no 32. Although the Council considers the impact of such uses are often not experienced until they operate, I am satisfied that the circumstances of this proposal would be acceptable subject to the imposition of conditions restricting the use to a hairdresser only and clarifying the opening hours. I am also satisfied that the nature and scale of the proposal would not alter the residential character of River Avenue.
10. I conclude that the proposal would not cause unacceptable noise or disturbance to the living conditions of nearby residents. As such, it would comply with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031 (adopted January 2020), which requires development proposals to contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design.

Vitality and Viability

11. Policy EcW3 of the LDP sets out a retail hierarchy for the county borough and directs new and enhanced retail, leisure and other complementary uses to those centres. While I

note the aims of the Council's retail policy, which broadly complies with national planning policy and guidance, in this instance, the appeal property would still be used primarily as a private residence by the appellant. As such, given the subordinate and secondary function of the proposed use to the main dwelling and the limited scale and hours involved, the degree of change at the appeal property would not be significant. An assessment of need or an application of a sequential test would not therefore be warranted, and consequently, there would not be any material conflict with the purpose of LDP Policy EcW3 to safeguard the vitality and viability of the town and local centres.

Other Matter

12. The Council's highways officer objected to the proposal due to the loss of the garage parking space. With 2 off-road parking spaces remaining on the driveway, and unrestricted on-street parking available nearby on the housing estate, the Council's planning officer was satisfied the proposal would not be detrimental to highway safety. Having visited the appeal site and considered the scale of the proposal, I see no reason to disagree with the Council's conclusions on this matter.

Conditions

13. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. It is necessary and reasonable to restrict the use of the garage to a hair salon and to impose opening hours as provided by the appellant. The Council's Ecologist requested the installation of a bat box. While I note the Council did not consider such a condition to be necessary, and no ecological information was requested, Future Wales: The National Plan 2040 (February 2021) requires development proposals to demonstrate action towards securing the maintenance and biodiversity (to provide a net benefit) in all cases. A biodiversity enhancement condition is therefore necessary to ensure the proposal complies with national planning policy.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.
15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

I Stevens

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans and documents: Drawing No. RIVER AVE 31 01.
Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.
- 3) The premise shall be used as a hairdressers only and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).
Reason: In the interest of residential amenity and highway safety in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
- 4) The use hereby permitted shall only be open to customers between the following times: Tuesdays and Wednesdays between 10:00 and 18:00, and Saturdays between 09:00 and 15:00.
Reason: To protect the residential amenity of neighbours in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
- 5) No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.