

a) **DOV/22/01282 – Change of use of summerhouse to Hairdresser/Beauty Salon (Use Class E) (retrospective) - 28 Church Lane, Deal**

Reason for report – Number of contrary views (13).

b) **Summary of Recommendation**

Grant planning permission subject to conditions

c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

CP1/DM1 – Settlement Confines

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2021)

Paragraphs: 7, 8, 11, 130

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

The most relevant Draft Local Plan policies for this application are:

PM1: Achieving High Quality Design

PM2: Quality of Residential Accommodation

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that considers context as part of the evolution of the design.

d) **Relevant Planning History**

No relevant Planning history.

e) **Consultee and Third-Party Representations**

Environmental Health – No observations

Sholden Parish Council – No comments received

Third Party Representations:

13 objections have been received as summarised below.

- Impact on parking
- Increase in traffic to Timperley Close
- Late night opening resulting in noise to neighbours
- Noise Pollution

- Lighting pollution

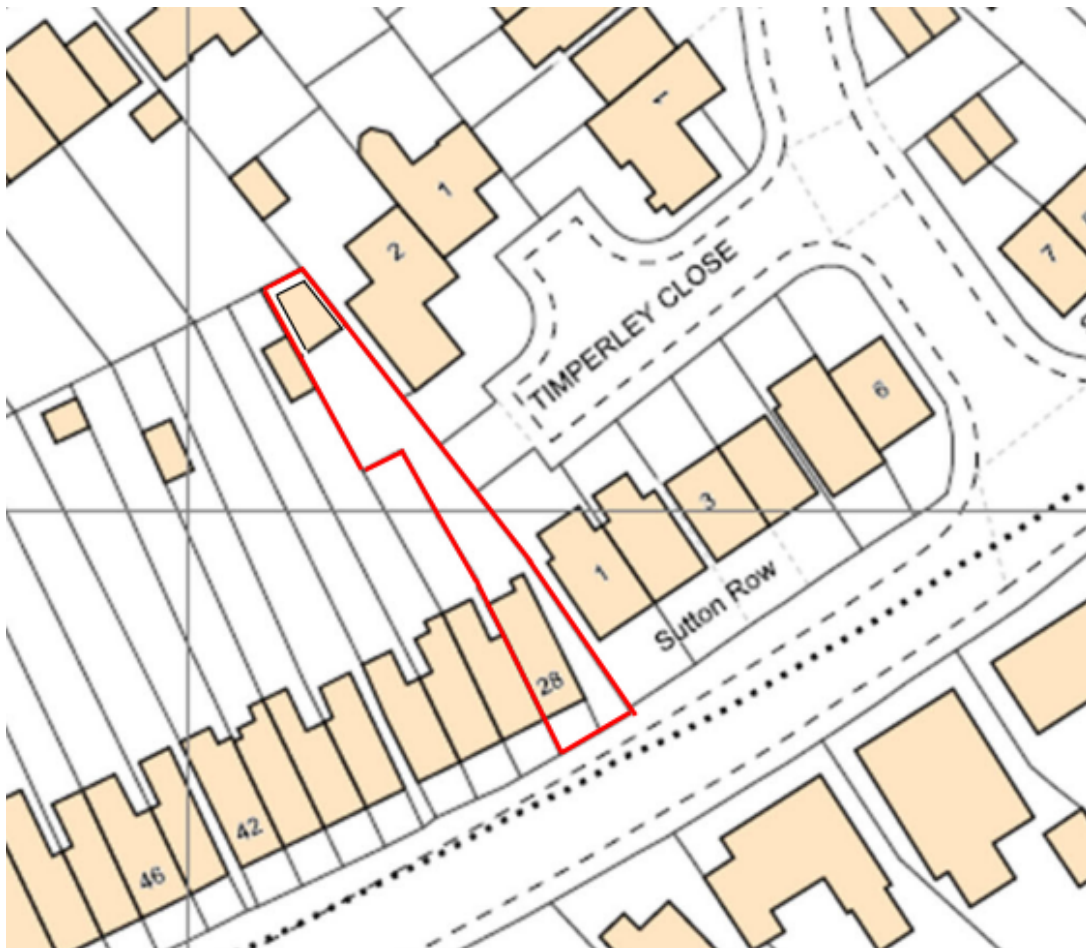
50 comments in support of the application:

- Business is quiet and won't cause disturbance
- Council should support small businesses
- Limited use so won't impact on parking

f) 1. **The Site and the Proposal**

The Site

- 1.1 The application site is a summer house located within the rear garden of 28 Church Lane as shown in Figure 1 below. The host dwelling is an end terrace property, located to the northwest of Church Lane, within the settlement confines of Deal. Access to the summer house is via the main dwellinghouse, or via a side gate accessed from Timperley Close. The application site is bounded by 1 Sutton Row to the northeast, and 2 Timperley Close to the northwest.



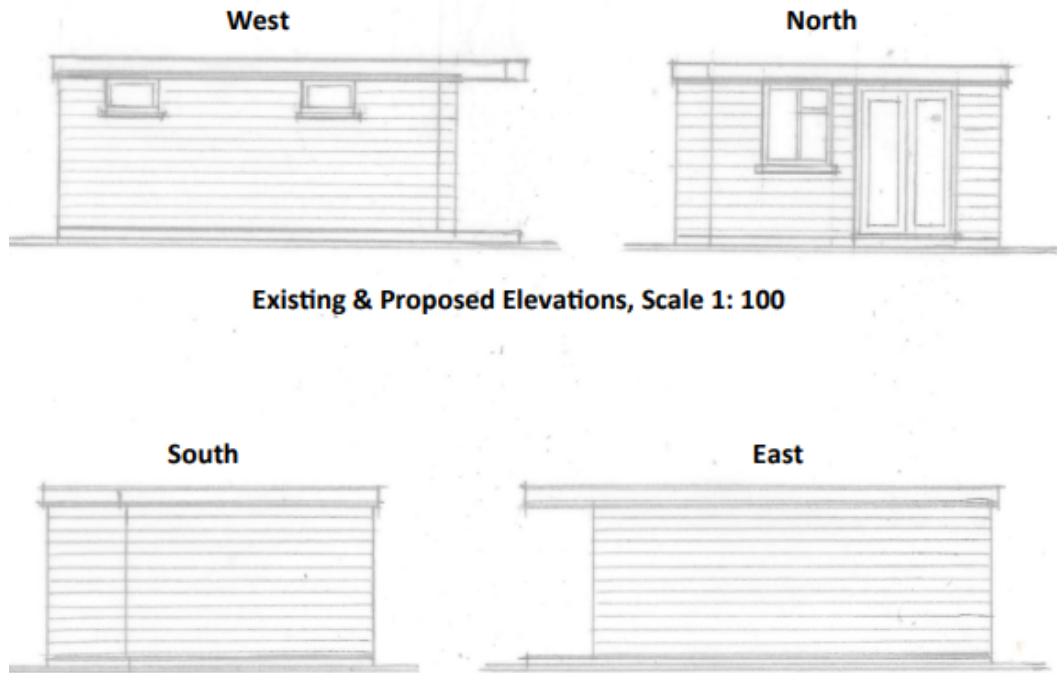
**Figure 1: Site Location Plan**

The Proposal

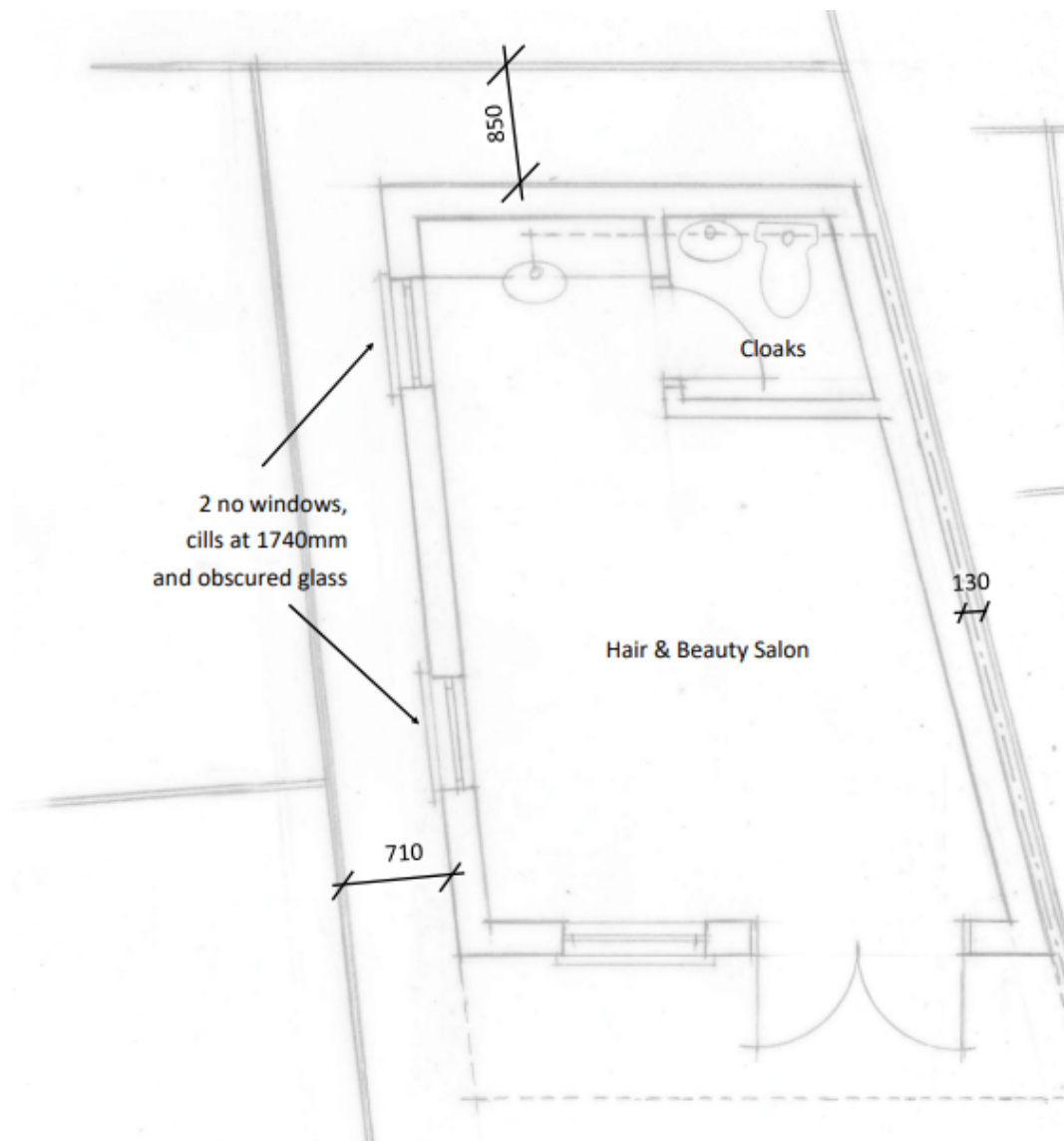
- 1.2 The application is for retrospective permission for the change of use of the summerhouse to a Hairdresser/ Beauty Salon under Use Class E. The hairdresser is

currently operational, with one hairdresser using the space. One customer visits at a time, with a potential cross over, resulting in one customer waiting to be seen.

- 1.3 There are no external alterations to the summerhouse to facilitate the change of use. The two windows on the side (southwest) elevation are set at 1.7 metres and fitted with obscured glazing.



**Figure 2: Existing and Proposed Elevations**



**Figure 3 – Floor plan**

**2. Main Issues**

- 2.1
1. Principle
  2. Design and visual impact
  3. Residential amenity
  4. Highway safety and parking

**Assessment**

Principle

- 2.2
- The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in

accordance with the policies in the plan unless material considerations indicate otherwise.

- 2.3 The site lies within the settlement boundaries of Deal. Policy CP1 seeks to direct the location and scale of development in compliance with the settlement hierarchy. Policy DM1 permits development within the settlement boundaries. Policy DM11 seeks to manage travel demand and locate development within sustainable locations. There are no policies which directly relate to the creation of commercial development within the settlement confines. The NPPF proactively encourages sustainable economic growth and requires planning policies to be flexible enough to allow for new and flexible working practices.
- 2.4 Policy SP6 of the Draft Dover District Local Plan supports economic growth within the district. Policy E3 relates to businesses operating from a residential property and permits business operations provided the proposed use would not be of a scale that would not result in a change of the lawful residential use of the property and is acceptable with regard to its impact on living conditions, highway implications and does not result in the erosion of the residential character of the area. Given the stage of the Regulation 19 Plan, this policy can only be afforded moderate weight at this time but it does mirror the objectives of the NPPF.
- 2.5 While the proposed Hairdresser/ Beauty salon (Use Class E) forms a separate use to the residential dwelling, its scale and scope are modest. The detached siting and arrangement from the dwelling are not considered to result in a change of the residential use of the main dwelling and wider site or result in the erosion of the residential character of the area. As such, the proposal would not conflict with emerging Policy E3, subject to the assessment of its suitability with regards to its impact upon residential amenity and highway implications, which will be considered in the following sections. The development is located within the confines of Deal, on a bus route, and is considered to be located in a sustainable location. The proposal does not conflict with other applicable policies within the current and emerging Local Plan and would accord with the NPPF approach regarding encouraging sustainable economic growth and the allowance of new and more flexible working practices. The development is therefore considered to be acceptable in principle, subject to the consideration of all other material planning considerations.

#### Design and Visual Amenity

- 2.6 The summerhouse to which this application relates is a compact, ancillary outbuilding of a simple and unassuming appearance and design, which is commensurate with the application site and does not form an uncommon feature in the locality. Given the modest scale and location of the summerhouse within the rear garden of 28 Church Lane, there is limited visibility of the building within the surrounding public realm, and the proposed development does not alter the appearance of the summerhouse. As such, the proposal is not considered to be detrimental to the appearance of the local area.
- 2.7 The proposed use of the summerhouse as a hairdresser/ beauty salon has the potential to alter the character of the application site and surroundings to a limited degree through associated activity and comings and goings. However, given its nature and the size of the building are limited in scope, with no more than 2 clients being present at any one time, it is considered that any change in character would be negligible. Furthermore, the use is predominantly contained within sociable hours, with no operation on Sundays.

- 2.8 Given the limited hours of operation, together with the modest scope of the proposal, the development is considered to have a limited impact on the character of the area, which would not significantly alter the primary residential use of the application site or result in undue harm to the character of the area. Accordingly, the proposal is considered to be compatible with emerging Policies E3 and PM1 of the Draft Dover District Local Plan and the NPPF.

#### Residential Amenity

- 2.9 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users of residential dwellings. The use of the summerhouse as a hairdresser/ beauty salon has the potential to generate some adverse noise and disturbance impacts above what would be expected from the residential use of the application site to surrounding adjacent neighbours. The hairdresser/ salon shall operate from the existing summerhouse located to the rear of the garden, with adjacent residential neighbours either side. Access to the business will be via a side gate, accessed from Timperley Close, where unrestricted, on street parking is available.
- 2.10 Environmental Health were consulted on the proposal and raised no concerns. As the proposal does not result in any additional bulk or massing to the summerhouse, it is considered that the proposal would preserve the existing level of residential amenity experienced by neighbouring properties and is in accordance with Paragraph 130 of the NPPF (2021).

#### Highway Safety

- 2.11 Visitors to the proposed business would be able to use on street parking which is available in Timperley Close and on Church Lane. Due to the restricted number of visitors to the site with one customer being seen at a time, with one waiting to be seen, it is not considered that the addition of a business in this area would result in an unacceptable increase in parking pressure within the area. The proposed development is therefore considered to be acceptable with regards to highway amenity and highway safety, in accordance with Policies DM11 and DM13 of the Core Strategy and the NPPF.

### **3. Conclusion**

- 3.1 The application is not considered to conflict with the relevant policies of the current and emerging Development Plan and the NPPF and is acceptable in principle. The proposal would have limited impact upon the character and appearance of the area. Due to the modest scope of the proposed operation, the development is not considered to result in unacceptable impacts to the residential amenities of surrounding neighbours. The development is considered to be in accordance with the Local Plan Policies and the NPPF (2021), and it is recommended that planning permission is granted.

#### **g) Recommendation**

I. Approve planning permission, subject to the following conditions:

1. Time limit
2. Approved Plans
3. Hours of operation during the hours of 0900 – 1600 Monday – Saturday and no operation on Sundays
4. No more than two visiting members of the public at any one time.

- II. Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amber Tonkin