



Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15.08.2023

Appeal reference: CAS-02409-M4Y0T9

Site address: 20 New Street, Tonna SA11 3JH

- 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 Jay Clark against the decision of Neath Port Talbot County Borough Council.
 - The application Ref P2022/0641, dated 25 July 2022, was refused by notice dated 19 October 2022.
 - The development proposed is described as: "To change the use of a domestic garage into an A1 barbershop. I would be seeking permission to change an existing domestic garage into a Barbershop. Access for clients will be available via the back road access, the entrance to this is via Dan Y Bryn street. There is on road parking close Dan Y Bryn street, which does not interfere with any domestic properties, there will also be space to park to the left of the garage (on my property, within boundaries). Clients will be invited to the shop by appointment only, which will prevent the barbershop from having more than one/two clients waiting at one time. The shop will offer cutting hair and beard services, for people of any age and gender, who wish to have their hair cut using Barbering techniques. The shop will consist of a barber chair, mirror, tool station, shelving display units and two seats (for waiting area)".
 - A site visit was made on 9 August 2023.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on: a) the living conditions of nearby residents, with particular regard to noise and disturbance; and: b) highway safety.

Reasons

3. The appeal relates to a garage located in the rear garden of a semi-detached dwelling. The property fronts New Street, a cul-de-sac which contains a variety of dwellings. No 20's garage adjoins a rear service yard which is accessed via a mainly grassed, sloping single-track lane which lies adjacent to the residential property of 64 Dan-Y-Bryn.

Noise and disturbance

4. The proposed barbershop would be located in No 20's garage, which is a semi-detached concrete block structure of modest scale. Barbering services would be delivered solely by the appellant and offered on an appointment-only basis during defined daytime hours,

from Monday to Saturday. These factors, in addition to the garage's limited floorspace, have the potential to significantly limit the scale of barbering operations that could be undertaken. Due to the garage's solid construction and separation from nearby dwellings, noises emanating from within the barbershop, such as talking and the use of hairdryers or clippers, would not be of a nature or magnitude which would cause unacceptable disturbance to nearby occupants.

5. Notwithstanding this, the appellant has stated that up to 8 customers would be served per day. Although intended to serve a local need, it is reasonable to assume that some customers would choose to travel by car. Consequently, the proposal could generate up to 16 vehicle movements per day.
6. The appellant has indicated that a means of access would be possible from the front of the dwelling. Noise generated by the increased use of the side passageway and rear garden by customers would be negligible. Whilst the potential frequency of comings and goings could cause disturbance to current or future occupants of No 19 and affect their levels of privacy, I consider that such impacts could be mitigated by an appropriate boundary treatment secured via a condition. As New Street is a primary means of access for several nearby dwellings, vehicular manoeuvres generated by the proposal would not be unacceptably disruptive to occupants of properties on this street.
7. Nonetheless, the description of development and submitted plans indicate that clients would also be able to access the barbershop from the rear service lane, either on foot or by car. The condition of the lane suggests that it currently handles a very limited volume of vehicular traffic. Its increased use by customers' vehicles would be discernible from 64 Dan-Y-Bryn, including within its side conservatory. Whilst I do not dispute that a nearby works yard and other sounds may be audible within nearby dwellings, on my site visit I noted generally low noise levels to the rear of dwellings. In this context, the noise of customers' cars revving on the incline and when manoeuvring in the service lane would cause disturbance of a frequency and extent which would harm the living conditions of occupants of No 64.
8. I have considered whether a condition could be used to prohibit vehicular access to the barbershop via the rear lane. However, having regard to the information given in the submitted documents, and the existing double doors which provide direct access between the garage and rear lane, I am not persuaded that such a condition would meet the test of enforceability and could therefore be relied upon to acceptably mitigate the identified harm.
9. A condition to tie the operation of the barbershop to the occupancy of the dwelling would avoid any adverse direct, indirect or precedential effects to the area's predominantly residential character. This would not, however, outweigh the identified harm to the living conditions of occupants of No 64. I conclude that the proposal would conflict with policies BE1 and EN8 of the Neath Port Talbot Local Development Plan (LDP), which seek to avoid noise pollution and significant adverse impacts on the amenity of occupiers of adjacent land.

Highway and pedestrian safety

10. From New Street, pedestrians would be able to access the barbershop via the side passageway. Access for the emergency services could also be achieved in this manner. Due to an absence of frontage parking, customers travelling by car and accessing the site via New Street would need to park on the street. Although there is a possibility that one customer would arrive before another has departed, the demand for parking is not likely to be more than one car for any significant time and there is little evidence that space for parking on New Street is constrained to the point of it posing a safety risk.

Consequently, the proposed use would not compromise the safety of highway users on New Street.

11. Customers could also opt to park on Dan-Y-Bryn and walk to the barbershop via the rear lane. Whilst the lane is limited in width and lacks pedestrian refuges, the distance between the garage and Dan-Y-Bryn is not considerable. The lane's straight alignment and the position of a streetlight opposite the junction with Dan-Y-Bryn would ensure there would be sufficient visibility to acceptably limit the risk of conflicts occurring between existing vehicular traffic using the lane and customers travelling on foot.
12. As already found, however, based on the submitted documents I am not persuaded that a condition could be used to prohibit customers from driving up the rear lane to access the site. Whilst there is sufficient room for vehicles to turn and egress this lane in forward gear, visibility into oncoming traffic is considerably restricted by a boundary wall and the position of the access point on the inside of a bend in Dan-Y-Bryn. Drivers would consequently need to nose out onto the footway and carriageway to determine whether it was safe to exit. Although I observed light pedestrian and traffic flows on Dan-Y-Bryn, the potential frequency of this manoeuvre would pose an unacceptable risk to the safety of pedestrians and highway users. Consequently, I conclude that the proposal would conflict with the highway safety objectives of LDP policies TR2 and BE1.

Other Matters and Conclusion

13. I have had regard to the other planning permissions and businesses referred to by the appellant. Whilst the full details of these are not before me, it seems that they differ materially to the appeal scheme, for example in terms of the intensity of the use or their location. In any case, appeals are determined on their individual merits. I therefore afford limited weight to these other examples.
14. I acknowledge the support given to the appellant and proposal by residents and Councillors, and recognise the potential local economic benefits of supporting small businesses. From what I saw on my site visit, it seems entirely feasible that the proposal would provide a local service which is not readily available elsewhere in Tonna. Consequently, it could reduce local residents' need to travel longer distances to reach such services, with potential benefits in encouraging sustainable transport patterns. Having regard to the limited scale of the proposal, I find no conflict with Policy 6 of Future Wales. Nonetheless, neither this nor the other matters raised outweighs the identified harm. I therefore conclude that the appeal should be dismissed.
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.

Paul Selby

INSPECTOR