

Q/0005/16

SARISBURY

MRS HELENA HATTON

AGENT: MRS HELENA HATTON

WITHOUT PLANNING PERMISSION, CHANGE OF USE FROM DWELLING (USE CLASS C3) TO MIXED USE COMPRISING USE OF ORIGINAL GARAGE AS HAIRDRESSING SALON AND RESIDENTIAL USE OF THE REST OF THE HOUSE (SUI GENERIS)

22 SUFFOLK DRIVE WHITELEY FAREHAM HAMPSHIRE PO17 7DE

Report By

Richard Wright - direct dial 01329 824758

Introduction

This agenda item relates to a planning enforcement investigation carried out following a report of a hairdressing salon operating from the premises without planning permission.

After investigating the circumstances Officers established that there has been a breach of planning control (details of the investigation and breaches found are set out in the below report). In accordance with the Council's normal procedure Officers prepared an Expediency Report which recommended that it would not be expedient to take formal enforcement action in this instance. At the request of the ward member Councillor Swanbrow this matter has been brought to the Planning Committee for consideration.

Site Description

The site is a detached three bedroom dwelling located within the defined urban area of Whiteley.

The property has an attached single garage to one side which, it is understood, was converted several years ago to form a habitable room. In front of the garage is a hard surfaced driveway large enough for one vehicle to park.

Description of Proposal

Following a report that a hairdressing salon was operating from the premises Officers visited the property.

A planning officer met with the resident Mrs Helena Hatton who confirmed that she had resided at the property for a number of years with her husband Mark and two children. She advised that for a number of years that she had been a mobile hairdresser. Part of the garage at the property has recently been fitted out as a hairdressing salon. This area had previously been used as office space and, along with the rear half of the garage which continues to be used as a store room accessed from within the house, was subject of a garage conversion some years earlier.

The salon is equipped with a hairdressers chair, a sink with running water, an additional chair for the sink, couch and various hairdressing instruments. Mrs Hatton informed the planning officer during the visit that she still works as a mobile hairdresser but also uses the salon to cut around 6 paying customers hair per week whilst she practices on a further 6 neighbours and friends (non-paying) per week.

Following the site visit Officers examined the property's planning history. Permission was originally granted in 1988 for a number of houses in the area of which this was one

(reference FBC.7437/13). Condition 17 of that permission reads as follows:

The development thereby permitted shall not be brought into use until areas for the parking, loading, and unloading of vehicles in accordance with a scheme to be agreed by the Local Planning Authority shall have been provided and the areas shall be hard surfaced, marked out and subsequently retained and kept available at all times for the purposes to the satisfaction of the Local Planning Authority.

Reason - In the interest of highway safety

Officers subsequently advised Mrs Hatton that the conversion of the garage without further planning permission being granted was a breach of this condition. Mrs Hatton was also advised that the hairdressing use being carried out from the premises required planning permission.

In summary, after investigating the reported breach, it is concluded that:

1. No planning permission was obtained to vary the restrictions imposed by Condition 17 of FBC.7437/13 and to allow the conversion of the garage.
2. Since the initial conversion of the garage to a habitable room there has been a material change of use of the property as a whole away from a single dwellinghouse (Use Class C3) without planning permission.
3. The use of the property at present could best be described as a mixed use comprising the use of the original garage as a hairdressing salon and residential use of the rest of the house (Sui Generis).
4. It is within the Council's power to take enforcement action to remedy the breach since it appears to have taken place within the last ten years.

Officers have invited Mrs Hatton to make a planning application for a "Change of use from dwelling (Use Class C3) to mixed use comprising continued use of original garage as hairdressing salon and continued residential use of the rest of the house (Sui Generis)". To date no application has been received.

The below planning assessment considers the relevant issues concerning the unauthorised change of use of the land and whether it would be expedient for the local planning authority to take formal enforcement action.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Development Sites and Policies

DSP2 - Environmental Impact

Relevant Planning History

The following planning history is relevant:

**P/91/1021/OA RESIDENTIAL DEVELOPMENT AND ASSOCIATED
LANDSCAPING/OPEN SPACE
OUTLINE PERM 28/07/1992**

Planning Considerations - Key Issues

CONVERSION OF THE ORIGINAL GARAGE

The exact date of the garage conversion is unclear. Officers understand that the garage was converted into a habitable room a number of years ago and initially used as a home office. Research carried out through access to Google Street View imagery shows the garage having already been converted in June 2009, some six years ago.

The conversion of the garage is clearly a breach of Condition 17 of FBC.7437/13 but had previously gone unreported and Officers were unaware of the circumstances. The research carried out indicates that the garage had been unavailable for parking purposes for close to six years, at least, before the breach came to the attention of Officers earlier this year. Whilst in all probability the conversion of the garage occurred less than ten years ago, and therefore it would still be possible to take enforcement action against the breach of condition, the length of time the garage conversion went unreported suggests that it has had little or no adverse impact on parking provision in Suffolk Drive. The garage conversion has not led to any complaints being received by Officers in relation to parking problems in the street from residents.

The Council's adopted Residential Car & Cycle Parking Standards SPD was adopted in November 2009. It recommends that three-bedroom houses such as this should be served by two on-plot parking spaces. It also suggests that garages will not normally count towards overall parking provision.

At present the property is served by one car parking space on the driveway in front of the garage and does not meet the expected standard set out in the SPD. However, it does not necessarily mean that an under provision of parking on the site will lead to problems with the availability of on street parking or highway safety. The fact that local residents have not contacted Officers concerning the garage conversion and it went unreported for a long period indicates that in practice the loss of the garage parking space has had no noticeable adverse effect.

Officers are also mindful that the SPD discounts garage parking spaces. This rationale is fully explained in paras 5.15 - 5.17 of the document including factors such as the need for storage space and the relative small sizes of some garages. It is recognised that many residents do not use their garages to park vehicles in for these reasons.

In summary, there would appear to be no evidence that the conversion of the garage to a habitable room, which occurred over six years ago, has led to or exacerbated parking problems or materially harmed highway safety in Suffolk Drive. In that regard there does not appear to be conflict with Policies CS5 and CS17 of the adopted Fareham Borough Core Strategy.

CHANGE OF USE OF PROPERTY TO INCLUDE USE OF GARAGE AS HAIRDRESSING

SALON

The information Officers have obtained concerning the use of the former garage as a hairdressing salon indicates that the scale and nature of the use is relatively low key at present.

The number of customers Mrs Hatton is believed to have visiting the property each week is low and since it is only her involved in providing the service there is only limited potential for more than one customer to be present at any one time. The location of the salon means that customers are unlikely to visit without an appointment having already been made. In these respects the use is very different to a high street barber shop where 'drop in' trade would be expected.

The number of customers travelling to the site by car is unclear and unknown to Officers. However, given the location of the property within a residential area there may well be a number that travel to the site on foot or cycle as opposed to drive.

Taking the above into account Officers do not consider the hairdressing salon at its current scale generates a significant number of vehicle movements on a frequent basis to and from the site. Officers have not received any complaints from residents and there is no evidence to suggest that this small number of customer cars is creating problems in relation to the availability of street parking and the safe operation of the highway.

The hairdressing use is not considered to have any adverse impact on the living conditions of neighbours through increased noise or disturbance. Neighbours have not reported any nuisance being caused by the hairdressing use to Officers.

Based on the current level at which the hairdressing use appears to be operating, Officers do not consider it would be expedient to take enforcement action to require its cessation. The use complies with the requirements of Policies CS5, CS17 & DSP2 of the local plan.

Notwithstanding, if the number and/or frequency of customers visiting the site should increase in the future and it be demonstrated that issues were arising concerning parking space, highway safety or residential amenity, the Council could reassess the situation at any given time and reconsider the expediency of taking enforcement action.

Recommendation

Based on the above assessment, the policies of the adopted development plan and other relevant material considerations, including advice contained within the NPPF (para 207) and PPG, Officers do not consider it expedient to instigate enforcement action in respect of either the conversion of the garage or its use as a hairdressing salon.

FAREHAM

BOROUGH COUNCIL



22 SUFFOLK DRIVE
SCALE: 1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2015

