
Appeal Decision

Site visit made on 28 March 2017

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th April 2017

Appeal Ref: APP/P0240/W/16/3161869

26 Cottage Road, Sandy, SG19 1BY

- 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 Ms Kim Chase against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02488/FULL, dated 29 May 2016, was refused by notice dated 16 August 2016.
 - The development is a shed that has been converted into a grooming parlour.
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Decision

1. The appeal is allowed and planning permission is granted for a dog grooming parlour at **26 Cottage Road, Sandy, SG19 1BY** in accordance with the terms of the application, Ref CB/16/02488/FULL, dated 29 May 2016, subject to the following conditions:
 - 1) The use hereby permitted shall only take place between the following hours and customers and/or their dogs shall not be on the premises outside of these times:
09:00-17:30 Mondays - Fridays
09:00- 15:00 Saturdays
The use is not permitted on Sundays or Public and Bank Holidays.
 - 2) No more than two dogs shall be brought onto the premises, known as 26 Cottage Road, Sandy, SG19 1BY, for grooming on any one day.

Procedural Matters

2. I understand from the Council's evidence that the shed cannot have been erected under householder permitted development rights¹ because it exceeds the height permitted for its position in relation to the boundary. As I have no other evidence to indicate that the shed is lawful, I am considering this proposal as the erection of a shed for the purposes of dog grooming.
3. I understand from the appellant's documents that although the dog grooming business was previously operating from the shed, the use has ceased following the Council's enforcement investigations.

¹ Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Main Issue

4. The main issue is the effect of the development upon the living conditions of the occupiers of adjoining dwellings, with particular regard to noise, disturbance and privacy.

Reasons

5. The appellant proposes to groom two dogs a day from the shed which is in her back garden. The dogs are groomed individually by appointment. The garden is accessed via a passage to the side of the house. This passage is shared with 28 Cottage Road which has a kitchen window in its side elevation. Therefore, customers must walk past this window to get to the shed. However, the window is obscure glazed which prevents customers from seeing into the kitchen. At my visit the window was open but from what I saw, passers-by would not see into the kitchen unless deliberate effort was made to do so.
6. Neighbours have commented that customers standing in the garden can see into their properties. I understand that the boundary fences have been increased in height and, at the time of my visit, they were tall enough to prevent overlooking of adjoining gardens. Furthermore, the appellant proposes to only have two clients per day and I do not consider that an additional couple of people in the appellant's private garden, for short periods, would materially affect the amount of overlooking from the site. Privacy film has also been fitted to the windows of the shed so that there is no outlook from within it. Overall, I consider that there would be no harm in respect of the privacy of the neighbours.
7. It is common for people to have dogs as pets and I do not consider that one or two dogs being on the premises at a time would create any more noise than would pet dogs. Given the site's location within a suburban area where there are lots of houses, I consider that the comings and goings of some two clients per day would not make any material impact upon the amount of general comings and goings within the vicinity.
8. That said, it is necessary to restrict the number of dogs on site to ensure that the amount of business stays at an acceptable level. The hours of business can also be limited so that clients do not arrive at quiet times such as in the evening and early morning.
9. I note comments from neighbours that dog walking and pet boarding are carried on from the site. The appellant has explained that dogs from the walking business do not come to the site unless being groomed after a walk. She says that the dog walking team collect the dogs from their homes and take them to another location to play and then return them home. She denies that any boarding business is carried out and explains that this would need a licence which she does not have. Therefore, the only business that is before me is the dog grooming one. Should there be any breach of planning control, this would be a matter for the Council.
10. I conclude that the proposed change of use would not harm the living conditions of neighbours. Consequently, I find no conflict with Policies DM3 or CS14 of the Central Bedfordshire Core Strategy and Development Management Policies, 2009, which, in combination, seek to protect the amenity and character of an area. Neither do I find conflict with the National Planning Policy

Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

11. I note comments from the local highway authority in respect of car parking. However, I do not consider that some two clients per day would result in a material increase in traffic or parking in the area; and I have no evidence of an existing car parking problem in the street. Therefore, I do not consider that it is necessary to specifically allocate car parking within the site or to provide parking signage.
12. The Council has not raised any objection to the design of the shed and I consider that its appearance is satisfactory as it is of a domestic scale and constructed of wood, which is an appropriate material for a garden building. Therefore, I find no conflict with the Council's Technical Guidance "*Design in Central Bedfordshire*" (2014) which requires development to be of a high quality design.

Conditions

13. I have considered the Council's suggested conditions against the advice in the Planning Practice Guidance (PPG). As the building has been erected there is no need to attach the standard implementation condition or to define the plans with which the scheme should accord. I have restricted the hours of operation in the interests of living conditions and have used the hours suggested by the appellant which I consider to be acceptable. The appellant indicates that two dogs are groomed per day and the permission is limited to that level of business in the interests of living conditions.
14. The PPG advises that planning permission runs with the land and it is rarely appropriate to provide otherwise. No exceptional circumstances have been advanced as to why a personal permission should be required and I consider that it is not necessary. The Council has suggested that the kerb to the dwelling's enlarged drive is dropped. However, given that there would be only two dogs per day, I do not consider that this is necessary to make the development acceptable, especially as I am not requiring allocated parking.

Conclusion

15. For the above reasons, I allow the appeal subject to conditions.

Siobhan Watson

INSPECTOR