



Appeal Decision

Site visit made on 9 September 2019

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/B5480/W/19/3225692

21 Wallace Way, Romford RM1 4TG

- 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 Melanie Scott against the decision of the London Borough of Havering Council.
 - The application Ref P1920.18, dated 19 December 2018, was refused by notice dated 13 February 2019.
 - The development was described as the 'temporary change of use of the garage as a dog grooming studio for a period of 5 years'.
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Decision

1. The appeal is allowed and planning permission is granted for the temporary change of use of the garage to a dog grooming studio at 21 Wallace Way, Romford RM1 4TG, in accordance with the terms of the application Ref P1920.18, dated 19 December 2018 and the submitted drawings, and subject to the following conditions:
 - 1) The use hereby permitted shall be for a limited period only expiring one year from the date of this decision.
 - 2) The premises shall not be used for the purpose hereby permitted other than between the hours of 09:00 and 17:00 on Mondays to Saturdays, and shall not be used for that purpose at any time on Sundays, Bank or Public holidays.
 - 3) There shall only be one client receiving treatment within the premises at any one time, and clients shall be treated on an appointment basis only.
 - 4) There shall only be one member of staff working within the premises at any one time.
 - 5) All waste generated by the business shall be securely stored within the subject property to avoid any spillage. Business waste produced by the dog grooming business shall be removed by a recognised trade waste carrier. Waste products from the dog grooming business shall not be discharged into the residential drainage system.

Procedural Matters

2. The description of the development on the application form refers to the garage's use as a dog grooming studio for a period of five years. However, the description of the development on the appeal form omits a time reference. As I have dealt with this matter under my consideration of conditions, in my decision I have taken the description of the development from the appeal form.

3. The former garage has already been converted, and the use as a dog grooming studio is already taking place. I have dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the use on:
 - the living conditions of nearby occupiers; and
 - the safety and convenience of highway users.

Reasons

Living conditions

5. The appeal site comprises a three storey terraced property, located on a residential cul-de-sac. As set out on drawing nos. WALWAY-P001, P002 and P003, the use as a dog grooming studio occupies a very small proportion of the host property. The appellant states that there are typically just one or two visits to the studio per day, and that these are by appointment only. This, she states, results in just one dog being groomed at any given time.
6. The studio has an internal partition wall between it and the retained garage door, and is separated from the attached dwelling at 20 Wallace Way by the host property's entry hall and by No 20's driveway. These provide a significant gap between the use and the main habitable areas in that property.
7. The studio abuts No 22. However, whilst those occupants state that there will be additional noise in close proximity to their living areas, I have little cogent evidence that the use, which is already taking place, has caused a harmful degree of noise.
8. The appellant states that as most of her clients are from the local area, visits are mainly made on foot. However, concerns have been expressed that the overall number of visitors to the business, and the number of those arriving by car, is greater than she states.
9. Whilst the evidence on this matter is inconclusive, the diary extracts provided by the appellant at Appendix 1 of her Planning, Design and Access Statement, do suggest that the intensity of the use is currently very modest.
10. Consequently, although the use does generate comings and goings to and from the property, some of which would be by car, from the evidence before me, and given the small size of the studio, the number of such movements appear to be very limited.
11. Although the intensity of the use could increase, restricting the opening hours to between 09:00 to 17:00 Mondays to Saturdays would ensure that in the evenings and on Sundays, when many residents may be at home and could reasonably expect a greater degree of quiet, the use would not be taking place. Additionally, conditions limiting the number of clients receiving treatment at any one time, and the number of staff members, would restrict the scale of the business, and therefore limit its impact on nearby occupiers' living conditions.
12. For the above reasons, I am not persuaded that the use of the garage as a dog grooming studio has a significantly harmful impact on the living conditions of nearby residential occupiers. However, a temporary condition, as agreed

between the principal parties, would enable the impact to be monitored as suggested by the Senior Planner, and assessed again at the end of that period.

13. On the evidence before me at this time, the scheme does not conflict with policies CP15 and DC55 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008 ('Core Strategy') which, in general terms and amongst other things, seek to avoid noise sensitive uses, such as residential accommodation, being exposed to excessive noise. Additionally, it does not conflict with the requirement at paragraph 127 of the National Planning Policy Framework ('Framework') to create places with a high standard of amenity for existing and future users.

Safety and convenience of highway users

14. Wallace Way is a residential cul-de-sac, which appears to carry a limited amount of traffic. Many of its properties have off-road parking spaces. Although the carriageway is narrow in places, there are some areas of on-street parking between the driveways.
15. Whilst the scheme has resulted in the loss of the former parking space within No 21's garage, the property has two off-road parking spaces to the front, which are located adjacent to neighbouring parking spaces.
16. From the evidence before me, I have found that the use generates only a very limited amount of traffic. Consequently, although representations refer to occasions where cars have been parked inconsiderately and caused an obstruction, in the context of this cul-de-sac, and the parking availability on-site, on the road, and elsewhere, I am satisfied that the scheme does not have a significant impact on the safety and convenience of highway users. My finding on this matter is supported by the absence of an objection from the Council's Principal Engineer.
17. Core Strategy Policy DC33 sets maxima parking standards, and supports conversions to non-parking uses where the space is not required to meet the parking needs of residents. For the above reasons, the scheme does not conflict with that approach.

Other matters

18. Although concerns have been raised regarding the disposal of waste generated by the use, and incidences of blocked drains, these matters could be addressed by a condition.
19. The treatment and appearance of the front gardens and parking forecourts in Wallace Way is varied. In that context, the discretely marked parking spaces at No 21 do not appear out of place.
20. Whilst concerns have been expressed regarding the precedent that could be set should the appeal be allowed, I have dealt with the scheme before me on its planning merits, and irrespective of any restriction on the houses' use in their title deeds, which is a separate legal matter. The protection of purely private interests, such as the impact on property values, is not a material consideration.

Conditions and Conclusion

21. Turning to the matter of conditions, I have considered those suggested by the Council and other parties against the tests in the Framework, and making slight amendments in the interests of clarity.
22. As the development has occurred and the use is already taking place, neither the standard time limit condition, nor a condition requiring that the development be carried out in accordance with the approved plans, are necessary.
23. In order to protect nearby occupiers' living conditions, my conditions 2, 3, 4 and 5, as suggested by the Council and agreed by the appellant, are necessary. However, in the interests of concision, my fifth condition combines the requirements of the Council's suggested conditions 8 and 9.
24. The Planning Practice Guidance ('Guidance') sets out that a temporary permission may be appropriate where a trial run is needed in order to assess the effect of the development on the area. Whilst the use is already taking place, given the limited and somewhat contradictory evidence before me regarding its impact on living conditions, a condition, as agreed by the main parties, requiring the use to cease after a period of one year, is necessary.
25. However, the Guidance continues that, as planning permission usually runs with the land, it is rarely appropriate to limit the benefits to a particular person. Given that advice, and the other conditions that I have imposed, the Council's suggested fourth condition is unnecessary.
26. For the above reasons, the use does not cause significant harm to the safety and convenience of highway users. Additionally, on the basis of the available evidence, I am not persuaded that it impacts the living conditions of nearby occupiers to a harmful degree. Consequently, and having regard to all other matters raised, including all representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR