



Appeal Decision

Site visit made on 24 September 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/B5480/W/19/3233130

48 Woodlands Road, Harold Wood, Romford RM3 0QX

- 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 Karen Johnson against the decision of the Council of the London Borough of Havering.
 - The application Ref P.0348.19, dated 4 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is described as the addition of kennels to provide cattery and small animal boarding with associated vehicular parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character of the area;
 - the living conditions of adjoining occupiers in respect of noise and disturbance.

Reasons

Commercial use

3. The appeal site comprises a two storey mid terrace residential property with a long narrow rear garden, along with a large separate paddock to the north east of the terrace which is used by the appellant for keeping equestrian animals along with pigs. Beyond the boundary of the rear garden are further open grass paddocks. Woodlands Road at the point in front of the appeal site is an unmade road which is also at its narrowest in front of the appeal site, being approximately single-track in width. Opposite the site is an area of mature trees and vegetation which screen the site from the nearby railway line.
4. The unmade nature of Woodlands Road, the mature trees opposite and the paddocks to the rear of the site contribute to the sense of a quieter rural character than other parts of Woodlands Road which have a suburban feel. Policy DC61 of the Havering Core Strategy and Development Control Policies DPD (2008) ('the HCSDCP') states that planning permission will only be granted where development maintains, enhances or improves the character and appearance of the local area. Seven further cattery units are proposed in the rear garden which could accommodate up to 14 cats at any one time as well as additional accommodation for other small animals. This number of cats

and small animals would result in increased comings and goings to the property associated with visitors dropping off and collecting their pets. Due to the established residential character of the area, I consider that this would generate a level of activity at the property above the level of a private residential dwelling. The proposed commercial operation would therefore fundamentally alter the character of the area as this increased activity would not maintain or enhance the established residential character of the area as Policy DC61 expects.

5. In light of the above I conclude that the proposed development would harm the character of the area. This would be contrary to policies DC55 and DC61 of the HCSDCP which state that planning permission will only be granted where this maintains, enhances or improved the character of the area, and where it would result in a proposed that would affect a noise sensitive development respectively.

Living conditions

6. The appeal site has a quieter rural feel than other parts of Woodlands Road, albeit there is occasional noise from passing trains from the nearby rail line. The cattery units do not appear to have any opportunities for noise attenuation or odour control within them, and objections were raised by the Council in this regard. As the units would be for the housing of cats, this would unlikely result in the levels of noise that could be experienced by a dog kennel due to the absence of barking. Paragraph 54 of the National Planning Policy Framework ('the Framework') states that otherwise unacceptable development could be made acceptable through the use of conditions. Therefore, a condition that would restrict use of the cattery units for cats only could limit any noise from the animals themselves. However, the lack of survey on odour control mechanisms from the structure does not satisfactorily indicate that this is a matter that would be capable of being addressed by condition.
7. In order to access the proposed parking in the adjoining paddock, vehicles would have to pass in front of the full terrace of properties to reach the proposed spaces. Once there, vehicles would have to turn to exit back across the unmade gravel road which would result in disturbance to adjoining occupiers from the noise of vehicles passing over the gravel, along with car headlights shining into windows in the front elevation of adjoining properties during hours when there is little or no available sunlight. Whilst the appellant considers the proposal would not generate high numbers of vehicle movements, the intensification of activity arising from the proposal would result in additional noise and disturbance from vehicles and clients arriving at the site. I consider that even a relatively small increase would still result in harm to the living conditions of adjoining occupiers due to the existing quiet character of the area. Whilst the appellant has indicated that most holiday lengths range from 9 to 15 days, it would be impossible to control the length of pet stays and when they may start or finish. Additional visitors to the property would be likely throughout the day and potentially into the evening and on weekends. A condition has been suggested that would restrict drop-offs and collections to specified times. However, I do not consider that this would satisfactorily control the associated noise and disturbance as it would likely focus the activity into a short time period. During those periods the concentration of activity could then itself become harmful to the living conditions of adjoining occupiers.

8. In light of the above I conclude that the proposed cattery would result in harm to the living conditions of adjoining occupiers in respect of noise and disturbance. As such, the proposal would be contrary to policies DC55 and DC61 of the HCSDCP which state that planning permission will only be granted where this maintains, enhances or improved the character of the area, and where it would result in a proposed that would affect a noise sensitive development respectively.

Other Matters

9. My attention has been drawn to a number of other catteries in the vicinity of the appeal site. Precise details of the circumstances which allowed these catteries is not before me. However, from the appellant's statement it appears that the cattery nearest to the appeal site is in a less dense residential area and a lower number of cat pens were approved. As the circumstances of this proposal are significantly different from the appeal in front of me, this has not altered my conclusions on the main issues.
10. The appellant has indicated that waste disposal would be disposed of via a registered trade waste collection service and that lighting details could be secured by condition. These matters would be able to be addressed by condition and as such would not raise any concerns. However, this would have a neutral effect on the proposal and has therefore not altered my conclusions.
11. The proposal would result in some economic benefit by virtue of establishing a new business for the appellant and her daughter. However, I do not have details of the extent of that benefit as no financial information is before me. As such, the weight I can attribute to the economic benefits is limited and this does not outweigh the harm I have identified.

Conclusion

12. In light of the above I conclude the appeal is dismissed.

P Mileham

INSPECTOR