



Appeal Decision

Site visit made on 6 January 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/P5870/W/19/3239342
58 St Barnabas Road, Sutton SM1 4NS

- 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 Josephine Casey against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00854, dated 14 May 2019, was refused by notice dated 9 August 2019.
 - The development proposed is change of use of existing detached single storey outbuilding as a dog grooming business.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of detached single storey outbuilding as a dog grooming business at 58 St Barnabas Road, Sutton SM1 4NS in accordance with the terms of the application DM2019/00854, dated 14 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Unnumbered Drawing (Existing and Proposed Floor Plan); Unnumbered Drawing (Existing and proposed plan and elevations of dog grooming room).
 - 3) The use hereby permitted shall operate only between the hours of 09.00 and 16.30 Tuesday to Saturday.
 - 4) The number of dogs groomed at the premises shall not exceed 3 per day and there shall be no more than one dog at the parlour at any one time.

Procedural Matter

2. I have adopted the description of the development included in Part E of the appeal form as it more accurately describes the proposed works.

Main Issues

3. The main issues are the effects of the proposed development on:
- the living conditions of the occupiers of neighbouring properties, particularly in regard to noise and disruption caused by dogs and visitors to the business; and
 - highway safety and parking.

Reasons

Living conditions

4. The appeal site is located in a quiet, predominately residential, street mostly characterised by rows of two storey semi-detached houses. The proposed dog grooming use would take place in a summerhouse type building located at the end of the rear garden of one such two storey semi-detached houses, in close proximity to the junction with Westmead Road.
5. The proposed use would involve no more than a maximum of three dogs per day being groomed in the premises which would be accepted by appointment only. It is also proposed there would be no overlap of clients and that customers would not wait to drop off or collect their dogs.
6. Considering that only a maximum of three dogs per day would be groomed in the premises and that activity would be carried out at specific time slots, the levels of noise are unlikely to be severely higher than at present. Consequently, I am not persuaded that the proposal would give rise to unacceptable levels of noise or disturbance beyond that which could potentially be expected from dogs housed at a residential property.
7. With regards to noise and disruptions to residents due to an increased number of visitors, whilst an increase would be inevitable, I have no reason to believe that this would amount to a level that would cause harm or disturbance to the occupiers of adjacent residential properties. This is particularly due to the proposed restricted number of appointments within a day and restricted opening hours.
8. I do not therefore consider that the present proposal would have an unacceptable, adverse or harmful impact upon the living conditions of occupiers of nearby properties and consequently, in that regard, there would be no conflict with Policies 13 (Housing and Garden Land) and 29 (Protecting Amenity) of the Sutton Local Plan 2016-2031 (the Local Plan).

Highway safety and parking

9. The proposal could result in up to 6 additional vehicular movements a day. There is an off-street parking space to the front of the appeal property where dogs could be dropped off and taken down a side entrance providing direct access to the back garden and the dog grooming facilities.
10. Use of the existing off-street parking space for the benefit of the dog grooming business could result in its loss for the application property itself during hours of operation. However, considering the restricted amount of appointments in any given day, the impact on highway safety and parking pressure would be limited. In reaching this conclusion, I am mindful of the property's location in

the context of the surrounding area, including existing parking restrictions as well as “pay and display” parking spaces close to the appeal site.

11. Therefore, the proposed development would not have significant effects in respect of highway safety and parking. Consequently, in that regard, it would not conflict with Policies 29 (Protecting Amenity), 36 (Transport Impact) and 37 (Parking) of the Local Plan.

Other Matters

12. My attention has also been drawn to other matters, including in respect to the advice provided to the appellant by Council officers. However, these are not matters for my consideration in the determination of an appeal made under s78 of the Act.
13. I also note that the appellant has submitted a statement, dated from the 7 October 2019 and signed by Miss P Packer, stating that the appellant has permission to use a different off-street car park space during working hours. However, this is not something that could be controlled by a condition and therefore does not affect my decision.

Conditions

14. The Council has suggested conditions were the appeal to be allowed. Taking those into consideration, I have imposed conditions 3 and 4 as pertinent to the control of activities related to the dog grooming business, particularly in terms of its hours of operation and total amount of activity, in order to protect the living conditions of neighbours. I have also added condition 1 to comply with Section 91 of the Town and Country Planning Act 1990 and condition 2 to provide certainty and to ensure that the proposal is built in accordance with the approved plans.

Conclusion

15. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be allowed subject to the identified conditions.

Andre Pinto

INSPECTOR