
Appeal Decision

Site visit made on 23 July 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/H0738/W/19/3224769

1 Worsley Close, Eaglescliffe, Stockton-on-Tees TS16 0BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Miss Nicole Evans against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 18/2445/COU, dated 18 October 2018, was refused by notice dated 19 February 2019.
 - The development proposed is a change of use from residential premises (use class C3) to mixed use residential / commercial dog grooming (Sui Generis) to include extensions and alterations to the existing garage to create a proposed pet grooming salon.
-

Decision

1. I allow this appeal, and grant planning permission for the change of use from residential premises (use class C3) to mixed use residential / commercial dog grooming (Sui Generis) to include extensions and alterations to the existing garage to create a proposed pet grooming salon at 1 Worsley Close, Eaglescliffe, Stockton-on-Tees TS16 0BW in accordance with the terms of the application, REF 18/2445/COU, dated 23 November 2018, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. I have changed the description of development from that given by the appellant to that used by the Council to reflect more accurately what is being proposed.
3. I note that much of the construction work required to change the former double garage to a dog grooming salon has already been undertaken. It is understood that the appellant has submitted a planning application to secure approval for some of these alterations. At the time of writing this decision I am not aware of the outcome of this application. Two sets of garage doors have been removed and replaced with conventional windows and the building has been extended by around 2-3 metres to the east. Inside, some of the flooring for the proposed new dog grooming salon has been installed.

Main Issues

4. The main issues are:
 - car parking and highway safety; and

- the living conditions of the occupants of neighbouring properties, with regard to noise and smell.

Reasons

Car Parking and Highway Safety

5. The former double garage is located to the rear of a modern detached house located within a short cul-de-sac. Between the property and the entrance to Worsley Close is a group of garages serving properties located on Gatley Walk to the immediate east.
6. The appellant proposes to use the hardstanding area to the rear of the dwelling for parking her own vehicles as well as parking for any assistant that she might employ. To prevent clients parking in this area the appellant proposes to erect a gate. Her clients will therefore be expected to park in the driveway to the front of the dwelling and walk their dogs, via the gate, to the salon at the rear of the property.
7. I am aware that some clients will probably pull up onto the curb rather than turn into the driveway. Several residents expressed concerns about this to the Council, stating that it could pose a risk to young children. The appellant has stated that she envisages grooming between 5 and 8 dogs per day, which might result in between 10 and 16 additional vehicle movements. I would have concerns about the number of vehicle movements and associated parking and safety problems that this level of business operation would potentially generate. Consequently, in order to reduce this risk, I consider that it is necessary to limit the number of dogs that could be groomed in any one day to 4.
8. I conclude therefore that subject to an appropriate condition the proposed development will not be detrimental to car parking or highway safety. Consequently, the proposal complies with policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (LP) which seeks to ensure that new development incorporates safe and satisfactory access and parking.

Noise and Smell

9. It is inevitable that the dog grooming operation will create some noise and smell. The appellant has stated that she would agree to a condition limiting the number of dogs that can be kept in the salon at any one time to 3. She states that soundproof plaster boards have been fitted to the ceilings and walls to mitigate noise. However, because the salon is close to the gardens of properties on Oak Road, Worsley Close and Gatley Walk I have opted for a condition suggested by the Council limiting the number of dogs that can be present at any one time to 2.
10. On the basis of the work already undertaken I am satisfied, subject to a limitation on the number of dogs that can be groomed in any one day and a condition regulating the opening of doors and windows, that the business operation would be acceptable. In the event that the business operation does generate unacceptable levels of noise and smell then local residents should either refer the matter to the Council who will have powers to take any necessary action under noise and environmental health legislation or, alternatively, pursue the matter through a private nuisance action.

11. I therefore find that subject to an appropriate condition the proposal will not harm the living conditions of neighbours and therefore complies with policy SD8 of the LP which seeks to ensure that new development does not prejudice the amenity of existing and future residents, and with paragraphs 117 and 127 of the Framework which seek to encourage safe and secure environments.

Other Matters

12. I note that some local residents suggested that the appeal property might be subject to a restrictive covenant preventing it being used for a commercial business operation. I am not aware as to whether there is such a covenant and, if so, what its terms are. Nevertheless, this is not a matter falling within the domain of planning control and so is not relevant in determining this appeal.

Conclusions and Conditions

13. I allow this appeal subject to Schedule of Conditions attached.
14. In addition to the standard 3-year time limit limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in order to ensure certainty. I have included a condition concerning construction materials in the interests of visual amenity. In the interests of minimising noise and smell, I have also included a condition prohibiting the opening of doors and windows when the electrical equipment used for drying is in operation. In order to ensure highway safety and to protect the living conditions of those living close by I have attached conditions limiting the hours of business operation to 0900-1700hrs Monday to Friday, those who can use the rear area for parking, the number of dogs that can be permitted within the salon at any one time and the number of dogs that can be groomed in any one day. In attaching a condition concerning the latter issue I have opted for the lower number of 4 suggested by the Council rather than the higher level of 5-8 suggested by the appellant.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with Plan Reference 1 Worsley Close – 001 (Revision 3) (dated 09/2018).
- 3) The materials used in the construction of the external walls and roof of the development, hereby approved, shall match those in the existing outbuilding unless otherwise agreed by the Local Planning Authority.
- 4) Notwithstanding the submitted information, the converted garage / outbuilding shall not be used for the use of dog grooming and no deliveries shall be taken outside of the hours 0900-1700 Monday to Friday and no working shall take place Saturdays, Sundays or Bank Holidays. The number of appointments or clients visiting the site shall be restricted to no more than 4 appointments per day and no more than 2 dogs be present at the same time during the permitted hours of operation.
- 5) Prior to the approved development being brought into use, the additional car parking spaces shall be provided in accordance with Plan 001 REV 2 and the parking provision shall be retained thereafter for the lifetime of the development. The hardstanding shall be constructed from porous / permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
- 6) The proposed windows and doors as indicated on Plan 001 REV 2 shall not be open when the dog grooming equipment is in use.
- 7) The car parking area to the rear of the property shall only be used by the proprietor and salon employees and shall not be used by the public.