



Appeal Decision

Site visit made on 22 January 2020

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

an Inspector appointed by the Secretary of State

Decision date: 11 May 2020

Appeal Ref: APP/V4250/W/19/3238186

2 Colerne Way, Winstanley, Wigan, Lancashire WN3 6HS

- 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 Louise Nicholas against the decision of Wigan Council.
 - The application Ref A/19/87299/CU, dated 14 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is the part change of use of detached garage to dog grooming salon.
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Decision

1. I allow this appeal, and grant planning permission for the part change of use of the detached garage to a dog grooming salon at 2 Colerne Way, Winstanley, Wigan, Lancashire WN3 6HS in accordance with the terms of the application A/19/87299/CU dated 14 July 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issues are the effect of the development on:

Highway safety and on-street parking within the vicinity of the appeal property; and

The living conditions of neighbouring residents, in particular as regards noise and smells.

Reasons

Highway Safety

3. The appeal property is a semi-detached 2-storey dwelling occupying a corner plot on Colerne Way which is part of an established residential neighbourhood in Winstanley. The property has a double garage to the side opposite a T-junction at the top of Anderson Crescent. In front of the double garage are 2 parking spaces.
4. The appeal proposal comprises the proposed change of use of one of the garages to a dog grooming salon. The salon would be operated by the appellant 0900-1700hr Monday to Saturday (with one day off each week). The appellant anticipates that she would groom no more than 1 dog per hour and around 6 dogs per day. There would be no other employees working at the proposed salon.

5. Local objectors have contended that there are frequently several vehicles parked outside the appeal property which creates a highway and pedestrian safety hazard. Councillors have also made a submission to the same effect.
6. However, these parked vehicles are no impediment to council dustbin lorries or emergency vehicles. I noted that there were some cars parked on-street but no more than is typical in many residential neighbourhoods. Photographs presented by the Council also indicate that the level of on-street parking in the neighbourhood is not exceptional.
7. The appellant expects that many of her clients would be relatively local and would walk their dogs to the grooming salon at her property. She has also stated that she would provide a collect and return service which would further reduce the need for cars to visit the salon. Nevertheless, several clients would still use their own cars due to the perceived convenience or that the trip to the appellant's property is linked to another journey. As a commercial enterprise, one additional off-street parking space would be required in addition to the 2 at present.
8. To this effect the appellant has stated that she would agree to provide an additional off-street parking space in what is currently the area of garden in front of the lounge window. This space is sufficiently far from the corner such that it would not cause any danger to road users or pedestrians. However, this additional space would only help alleviate the anticipated parking problem if it, or one of the other 2 spaces, were reserved for the exclusive use of dog grooming clients.
9. I recognise that there might still be problems if 2 clients arrived by car in close succession to deposit and collect a dog. The appellant has stated that she will allow plenty of time between clients to reduce the likelihood of crossover. Requiring customers to make appointments in advance rather than allowing a drop-in service would further reduce the likelihood of crossover and thus ease any problems with car parking.
10. For the above reasons, the proposed development would not be detrimental to the safety of pedestrians or vehicle users nor would it result in on-street parking problems. Therefore, the proposal accords with Policy A1S of the Wigan Replacement Unitary Development Plan Remaining Policies 2006 (UDP) which seeks to ensure that new development has a sufficient level of car parking. It also conforms with Policy CP7 and Policy CP10 of the Wigan Local Plan Core Strategy Development Plan Document 2013 (DPD) which seek to ensure that new development is safely accessible.
11. Finally, the proposal accords with Paragraph 110 of the National Planning Policy Framework (the Framework) that new development should minimise the scope for conflict between pedestrians, cyclists and car users.

Living Conditions

12. The garage of the adjacent dwelling (No 82 Andover Crescent) is separated from the double garage on the appeal site by a very narrow passageway. Other dwellings are also close to the proposed salon. The possibility of excessive dog barking is greatest at times of changeover when one dog might encounter another. To a certain extent this potential problem would be reduced through the appellant's intention to offer a collect and return service, as referred to earlier. This would reduce the number of canine conflicts that might occur during the day.
13. Within the salon any problems of dog noise could be mitigated through the installation of appropriate noise insulation materials. A condition limiting the number of dogs that could be present at any one time within the salon would also reduce the likelihood of dog barking.
14. With the increase of the number of dogs comes the possibility of increased dog mess in the vicinity. However, since this issue is dealt with under separate environmental legislation it is not relevant to the determination of this appeal.
15. If the safeguards concerning dog barking noise and parking are implemented, then the use of the garage for the proposed grooming salon would not be inappropriate, notwithstanding that the business would be operating within an established residential area.
16. Thus, for the reasons set out above the development proposal would provide for the adequate living conditions of neighbouring residents as regards noise and smells. Consequently, the proposal would accord with Policy SE1 of the UDP that seeks to ensure that services occupying small facilities can be provided in residential areas where they do not unduly affect the living conditions of nearby residents. Furthermore, it would accord with Policy CP17 of the DPD that requires new development to be planned and designed so that it will not have an adverse effect on the living conditions of local residents.
17. Finally, it would accord with the advice set out in Paragraph 127f) of the Framework that new development should provide for a high standard of living conditions for existing and future users.

Conclusions and Conditions

18. For the foregoing reasons the appeal is allowed. In addition to the standard three-year implementation condition I have incorporated a condition requiring that the scheme be implemented in accordance with the approved plans in the interests of certainty. I have also attached a condition restricting the operation of the dog grooming salon between Monday and Saturday 0900 to 1700hr (excluding Public Holidays) to protect the living conditions of neighbours.
19. Again, to protect the interests of neighbours, I have restricted the number of dogs that can be within the salon at any one time to three. Further, and for the same purpose, I have stipulated that all business be conducted on an appointment basis only with no more than 6 appointments per day. In order to ensure that parking problems are reduced I have also required that an additional dedicated parking space be provided within the curtilage of the property which shall be for the exclusive use of visiting clients. To reduce the problem of on-street parking I have imposed a condition prohibiting anyone other than the appellant from working at the salon. Finally, in the interests of protecting the living conditions of neighbours I have, exceptionally, restricted the benefit of this planning permission to the appellant, Miss Louise Nicholas.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby approved shall be begun not more than three years after the date of this Decision.
2. The development hereby approved shall be implemented in accordance with approved plans DWG No-LN 01 and DWG No-LN 02 (Proposed Dog Grooming Salon To Be Incorporated within Existing Garage).
3. Prior to the commencement of the use hereby permitted, a noise insulation scheme to secure a reduction in the level of noise emanating from the building shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use commences and shall be retained thereafter.
4. The use hereby permitted shall only be carried out during the following hours:
Monday to Saturday 0900 to 1700hr and not at all on Sundays and Public Holidays.
5. The dog grooming business hereby permitted shall operate on an appointment only basis with no more than six appointments per day and no more than three dogs permitted inside the salon at any one time.
6. Prior to the first use of the partial garage conversion for the business hereby approved, three parking spaces shall be made available within the curtilage of the dwelling and retained at all times. One of these spaces shall be for the exclusive use of visiting clients to the dog salon. Any hard surface used for parking shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.
7. No person other than the occupier of 2 Colerne Way, Miss Louise Nicholas, shall participate in or be formally employed to undertake dog grooming from the premises.