
Appeal Decision

Site visit made on 23 February 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021

Appeal Ref: APP/A3010/W/20/3261398

1C Welbeck Road, Retford Nottinghamshire DN22 7RP

- 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 Helen Jones against the decision of Bassetlaw District Council.
 - The application Ref 20/00030/COU, dated 8 January 2020, was refused by notice dated 20 April 2020.
 - The development proposed is change of use from domestic garage to “doggy day care” centre.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on (i) the living conditions of neighbouring residential properties with particular regard to privacy and noise and disturbance, and (ii) highway safety.

Reasons

Living conditions

3. The appeal site is within Welbeck Road Local Centre at the junction of Welbeck Road and Ollerton Road. The Local Centre is within a generally residential area. The appeal building is a detached garage which is accessed from Welbeck Road and set back from the road frontage with residential gardens to the rear and sides. Adjacent to the garage there are a number of local shops including two convenience stores which open daily from early until late, a pharmacy and beauty salon. Close to the site there is also a fish and chip shop, public house, and a children’s nursery facility.
4. I observed during my site visit that facilities in the Local Centre are very well used with many vehicle and pedestrian movements to the area. The comings and goings to a day care centre for dogs is unlikely to generate additional traffic or pedestrian movements that would be discernible from those to the existing businesses. In this context nearby residents would not be affected by the arrival and departure of customers to the appeal site.
5. Even so, the garage and adjacent garden to be used for the exercise of dogs would be near residential gardens of properties facing Ollerton Road. These

gardens are protected from the comings and goings in the Local Centre by existing buildings so that there are likely to be lower ambient noise levels within them.

6. The nature of the proposed use is one where the unpredictability of animal behaviour is a key consideration. Barking is a normal behaviour for dogs. The care of dogs in an environment less familiar to them, and where there are a group of dogs together, has the potential to increase the likelihood for dogs to bark. I recognise that the appellant has considered the layout of the building to ensure that some of the noise associated with the unpredictability of the behaviour of dogs on arrival can be minimised. Nevertheless, there would still be a settling in period for each dog, likely barking during interaction between dogs in the building and during exercise in the garden and potential for barking where dogs are unsettled for other reasons.
7. The appellant states that the garage is insulated both to the walls and the ceiling. The flooring would be a recognised kennel flooring which provides insulation to reduce noise. However, the effectiveness of insulation would be reduced when doors and windows are open for ventilation and for access to the garden. The garage building is in very close proximity to residential boundaries and there is insufficient evidence to demonstrate that the insulation within the building would control noise sufficiently to prevent disturbance to neighbours.
8. The appellant's garden is accessible from the garage building and would be used at regular intervals by the dogs for supervised exercise. There is no water in the building and access to the outside tap would also be required. The use of the appellant's garden, even in a controlled and supervised manner, near residential boundaries would have the potential for considerable noise disturbance. The nature of barking as intermittent short bursts of potentially loud noise would be discernible relative to the background and would be more likely to be disturbing. Even if restrictions were placed on the operating hours to weekdays during the day, there would still be considerable periods when neighbouring properties could be subjected to noise disturbance in their garden areas. These effects would be most pronounced in the summer when neighbours may want to leave their windows open and utilise their rear garden spaces.
9. The appellant has a current licence for the home boarding of six dogs in her property adjacent to the site above existing commercial premises which utilises the outside garden area. It is not clear from the evidence before me how many dogs would be kept within the garage or if the use of the garden and garage for day care would be in addition to those dogs already boarding at the appellant's property. Therefore, while I appreciate that the appellant has cared for dogs from her home under licence, I cannot conclude that the use of the garage, which is closer to the adjacent gardens than the appellant's property, and garden is comparable.
10. Overall, while I appreciate that the appellant has much experience of handling dogs and minimising behavioural issues, I am not satisfied that it has been adequately demonstrated that the use could be undertaken without giving rise to disturbance for the adjacent residential properties.
11. Therefore, I conclude that the development would be detrimental to the living conditions of neighbouring properties with regard to noise. The proposal fails to meet the requirements of Policy CS3 and DM4 of the Bassetlaw District Local

Development Framework Core Strategy & Development Management Policies DPD (LDF) where it seeks to ensure that development in local centres is not detrimental to the local environment or have a detrimental effect on the residential amenity of nearby residents. It would also conflict with paragraph 127 and 180 of the National Planning Policy Framework (the Framework) which seeks to ensure development creates places with a high standard of amenity for existing users and avoids noise giving rise to significant adverse impacts on health and the quality of life.

Highway safety

12. The appeal site would be entered via a door which faces Welbeck Road. There is a large tarmac area to the front of the garage with a drop kerb and vehicular access which the appellant indicates would be used for customer parking.
13. The Council's concern is with the lack of information in relation to the number of car parking spaces provided and lack of information relating to number of customer and vehicle movements. There have been no concerns raised that vehicle movements would cause traffic manoeuvres prejudicial to highway safety, rather a more general concern about the capacity of the site to accommodate car parking facilities.
14. I appreciate that the area to the front of the garage is not within the application area and may not be available for parking. Even so, there are existing layby's outside the site and unrestricted on road parking adjacent to the Local Centre. Even if the development does not provide any car parking spaces, I am satisfied that the adjacent roads would have sufficient capacity to accommodate moderate traffic associated with the operation of the site. Accordingly, those clients choosing to travel by private vehicle would have sufficient opportunity to park and load/unload dogs without detriment to the free flow of traffic or highway safety.
15. In addition, the appeal site is in an accessible location where employees could access the site by other means than the car.
16. Overall, there is no evidence that the operation of the proposed development would result in conditions prejudicial to highway safety. I consider that the development would accord with the requirements of Policy DM4 of the LDF which seeks to ensure that development is not detrimental to highway safety. It would also accord with the Framework where it seeks safe and suitable access for all users and where it states that development should only be prevented or refused on highway grounds if there would be unacceptable impacts on highway safety.

Other Matters

17. I note that there may be opportunities for the development to provide employment, however, in this case my concerns about the proximity of the appeal site to residential properties outweigh the benefits associated with any limited additional employment that could be created by the development.
18. I appreciate that measures can be put in place to clean the premises and to collect and dispose of faeces. I accept that there are local parks and open areas where the dogs can be taken for exercise. I have also considered the letter of support from a near neighbour. These matters do not change my conclusions on the main issues.

Conclusion

19. Whilst I am satisfied that the proposal would not lead to loss of privacy to near neighbours or conditions prejudicial to highway safety these matters do not outweigh the harm I have identified in relation to noise and disturbance.
20. The proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR