



Appeal Decision

Site Visit made on 2 June 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2021

Appeal Ref: APP/B1605/W/21/3270374

Lotty Lodge, 33 Wellesley Road, Cheltenham GL50 4LG

- 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 Ruth Hendry against the decision of Cheltenham Borough Council.
 - The application Ref 20/01311/FUL, dated 29 July 2020, was refused by notice dated 19 November 2020.
 - The development proposed is use of part of ground floor as dog grooming business (sui generis).
-

Decision

1. The appeal is allowed and planning permission is granted for use of part of ground floor as dog grooming business (sui generis) at Lotty Lodge, 33 Wellesley Road, Cheltenham GL50 4LG in accordance with the terms of the application, Ref 20/01311/FUL, dated 29 July 2020, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall be carried out only in the area labelled 'Smudgers Mutts Limited', in accordance with the following approved plans: 0006 and 0000 rev B.
 2. The use hereby permitted shall operate only between the hours of 0845 and 1600 on Monday to Friday, and at no time on Saturdays, Sundays or Bank/Public Holidays.

Preliminary Matter

2. The description of the proposal on the application form makes reference to the previous consent for the dwelling, is long and descriptive. As a result, I have adopted the more succinct description referred to on the Council's decision notice. It does not fundamentally change the development for which planning permission is sought, nor the case of any party in relation to it.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of nearby residents with respect to any noise and disturbance.

Reasons

4. The appeal site lies in an area of high density residential development where the rows of terraced housing back onto each other with service lanes running along the rear boundaries. Wellesley Road is one such service lane and it was clear on my site visit that it has been subject to recent infill development along its length.

5. Lotty Lodge is one such recent development, where planning permission was granted for a dwelling. Part of the ground floor of the building is now used as the premises for a dog grooming business and is occupied independently from the first-floor flat which has been created. On-street parking is available along Wellesley Road.
6. The business operates on an 'appointment only' basis between the hours of 0845 and 1600 Monday to Friday. The appointment length varies from 1 ½ hours to approximately 4 hours, with 4 dogs being worked on at any one time resulting in a total of approximately 10 dogs per day. The business employs 6 part time staff with up to 4 working on site at any one time. The dogs are showered or bathed on arrival, dried with mechanical driers and then groomed before being placed in a holding crate awaiting collection by their owner. I understand that the rear courtyard is used by dogs when they need to relieve themselves.
7. My site visit was on a sunny day. The front door of the appeal premises was open to Wellesley Road. I stood in the vicinity of the site for a period of time before making my presence known to the operator of the business, listening to the noises emanating from the premises. Voices from inside the building were audible and when clients and their dogs were greeted at the front door, these conversations were also audible. Noise from the driers could also be heard and at these times the voices from within the building became louder.
8. When I entered the premises, I found that 5 dogs were there for appointments. One was being washed, one dried and another was being groomed. Two dogs were in crates, with one being placed there temporarily for my visit so that the operator of the business could show me through to the rear yard. Four members of staff were in the premises. From what had been put to me in the appeal submissions, it appeared to me that this was a fairly typical day in terms of how the business operates.
9. At no time during my visit did I hear any noise from the dogs, despite there being 5 there over the course of my visit, and a further dog arriving just after I left the building. That is not to say however, that no dogs ever make a noise during their visit and it is clear from the submissions to the Council and as part of this appeal that some residents have experienced noise and disturbance from dog barking, driers and raised voices whilst the business has been operating.
10. With regard to concerns raised in respect of noise and disturbance, I noted that Wellesley Road was a quiet residential street although I heard a car alarm and emergency vehicle siren in the distance. I experienced the noise from the business to be very localised and limited to human voices and the driers, which I perceived to be no more noisy than a domestic hairdryer. Accepting that dogs do bark, I am not persuaded that the dog grooming business gives rise to unacceptable levels of noise or disturbance beyond that which could potentially be expected from dogs associated with a wholly residential property. The lack of objection from the Council's Environmental Protection Team adds weight to my view. As such I find that the proposal complies with policy SL1 of the Cheltenham Plan (adopted July 2020) and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011-2031) which seek to prevent unacceptable harm to the amenity and living conditions of neighbouring occupiers.

Other Matters

11. I have considered the other concerns put forward by residents with regards to parking provision and pedestrian safety. During my visit, I found that I was able to park along Wellesley Road and lack of parking during the day did not appear to be a particular issue. I also found that there were available parking spaces in some of the surrounding streets. Although Wellesley Road does not have a pedestrian footway, I found there to be sufficient refuge in between parked cars and on the frontage of some properties for me not to be concerned for my safety whilst walking along and standing in Wellesley Road. I am also mindful that the Highway Authority raised no objection to the proposal and therefore I see no reason to alter my conclusion in respect of the main issue.

Conditions

12. As the business is already in operation, I have not attached the standard time condition. I have attached a condition relating to the approved area for the business, in order to provide certainty. In order to protect the living conditions of neighbouring residents a condition limiting the operation of the dog grooming business to the hours set out in the Councils submission and agreed by the appellant is, I consider, both reasonable and enforceable. I do not find it necessary to attach a condition limiting the number of dogs on the premises at any one time as the business premises are relatively confined and the number of dogs it can accommodate is limited by this factor.

Conclusion

13. For the reasons given I conclude that the appeal should succeed.

Alison Fish

INSPECTOR