



Appeal Decision

Site visit made on 1 April 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/N4025/W/21/3270440
127 Bromwich Street, Bolton BL2 1LJ

- 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 Mr B Mistry against the decision of Bolton Council.
 - The application Ref 09757/20, dated 5 November 2020, was refused by notice dated 3 February 2021.
 - The development proposed is the erection of a timber garden building to be used as a dog grooming studio.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

3. The appeal site comprises a semi-detached dwelling in a predominantly residential area. Although separated by boundary fencing, the rear gardens of the site and the immediately surrounding properties are tight knit and somewhat modest in size. A timber garden building has been erected in the rear garden of the appeal property, which would be used as a dog grooming studio.
4. Policy CG4 of Bolton's Core Strategy Development Plan Document (the Core Strategy) states that development should be compatible with surrounding land uses and occupiers, should protect amenity, and should not generate unacceptable noise. In this regard the Council has raised concerns about the potential for unacceptable noise and disturbance to be generated by the proposed dog grooming use at the site arising from the presence of equipment, dogs and clients in a residential area.
5. The garden building has been fitted with soundproofing and double glazing, with the windows to the premises permanently sealed shut. At the time of my visit I observed the dog grooming machinery in operation, in conjunction with the dehumidifier. Although the combined machinery was audible outside, it was not noise of a level or type that would be out of place in a residential garden to cause undue disturbance to neighbouring occupiers. Rather, the noise generated was comparable to domestic garden machinery and as such was compatible with the surroundings.

6. Nonetheless, use as a dog grooming studio would inevitably lead to increased comings and goings at the premises. While visitors and barking dogs are common in a residential area, there is the potential for this to be significantly greater in the context of the grooming studio due to the possibility of numerous client visits each day and the associated number of dogs. Given the tight knit gardens, the sound of voices and barking dogs when accessing the studio could increase noise and disturbance over and above the level to be expected in this residential area, depending on the frequency, times and volume of such visits. The impact of this would be further exacerbated if clients accessed the studio via the side passageway of the house, close to the boundary with the neighbouring property.
7. The potential level of noise and disturbance in this regard would therefore depend on the scale and operation of the business, which has not been sufficiently addressed in the appeal documents. Reference has been made to five single dog appointments per day. However, no further in depth information has been provided on the operation of the business including no reference to likely hours of operation, which could have a significant impact on the likelihood for disturbance to arise in a residential area.
8. As such, insufficient evidence has been submitted to demonstrate that the proposal would not harm the living conditions of occupiers of neighbouring properties arising from additional comings and goings of clients and the presence of dogs on site. As such, given the limited details before me, I do not consider that this development could be made acceptable through the imposition of planning conditions in this regard, none of which have been suggested by either party.
9. For the reasons given I find that the development would have a significant adverse effect on living conditions for neighbouring occupiers, with particular regard to noise and disturbance. As such, it would fail to accord with Policy CG4 of the Core Strategy, which seeks to ensure adequate living conditions.

Other Matters

10. The appellant has referred to a dog boarding kennel business within the area. However, limited information has been provided with regards to the business, or its comparability with the proposal. As such, I attach limited weight to this, which does not outweigh the identified harm.
11. The personal circumstances of the appellant are acknowledged, whereby the dog grooming business would aid with health issues, evidence of which has been submitted. However, personal circumstances will seldom outweigh planning considerations and in this case do not outweigh the harm identified.
12. It is acknowledged that there are no objections from neighbouring residents. Notwithstanding that point it is necessary to ensure that adequate living conditions for neighbouring occupiers are maintained. Consequently, the lack of an objection is not sufficient to outweigh the harm identified above.

Conclusion

13. For the reasons given, the development would harm the living conditions of neighbouring occupiers and would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR