

Appeal Decision

Site visit made on 25 July 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/V4250/W/23/3334485

25 Delphside Road, Orrell, Wigan, WN5 8TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs K Tempest against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/22/94741/RET.
 - The development proposed is partial change of use of rear section of detached garage into dog fertility clinic.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant currently operates their dog fertility business from rented premises, but previously ran the business from home. The appeal seeks permission to resume that use, on the basis of the details provided in the appellant's statement.
3. The submitted plan does not show the side extension to the property, which was nearing completion when I visited. However, the appellant confirmed on site that the location of the proposed use, in part of an outbuilding at the rear of the property, remains as shown on the plan.
4. Since the Council made its decision, the Places for Everyone Joint Development Plan Document (PfE Plan) has been adopted. However, neither party has identified any policies within the PfE Plan which they consider to be of particular relevance, so I have assessed this appeal in light of the policies referred to in the decision notice.

Main Issue

5. The main issue is the effect of the proposal on the residential character of the area and the living conditions of neighbouring occupiers.

Reasons

6. The appeal property is a recently extended dormer bungalow, located in a residential area of Orrell. The house is typical of those along Delphside Road,

which are generally set back from the street behind front gardens with low boundary brick walls.

7. Delphside Road is not particularly wide, with on-street parking further reducing its effective width. The road was quiet when I visited, but forms part of a link between the main routes of St James Road and Sandbrook Road, and has been described as being a 'rat run' at times, particularly associated with journeys to school.
8. The business, which is run solely by the appellant, provides a number of services relating to dog fertility, as well as microchipping for puppies, and training sessions for those seeking to operate their own clinics. Clients generally bring their dogs to the clinic, although the appellant also carries out home visits.
9. In their appeal statement, the appellant has indicated that visits to the property would take place on an appointment basis, between the hours of 9.30am - 5.30pm on Mondays to Fridays, and 9am - 3pm on Saturdays. No visits would be scheduled on Sundays or bank holidays. There would be a maximum of five clients visiting the appeal property in any one day, and in most cases, one customer would be seen at a time. Approximately three times per week it would be necessary for male and female dogs to be present, requiring two clients to be there together.
10. There would be no signage or other visual indication of any commercial use taking place at the property, and conditions could be imposed to control the opening hours and number of daily visits. Even so, with five clients visiting per day over six days, weekly comings and goings related to the business would amount to approximately sixty movements, with additional trips by the appellant carrying out visits elsewhere. This level of activity, on top of other household trips, would be significantly more than that normally expected from a typical family home.
11. Although it could be described as 'low key' as a commercial use, the business would be operated from a residential area. Here, safeguarding the living conditions and quality of life of existing and future residents must be a primary consideration. Whilst the Council's Environmental Health team did not object to the proposal, a number of local residents raised concerns following the appellant's previous use of the site for the dog fertility business. From the comments made, it seems that the business use did cause disturbance to neighbours, who raised concerns about vehicle movements and dogs barking amongst other issues. To allow the use to resume, at the level proposed, would undermine the quality of life which neighbouring occupiers should reasonably expect to enjoy in the area they live in.
12. In overall terms, the level of traffic generated by the business use would be low, and some clients may visit on foot. Activity would be spread out through the six-day week, and the proposed 9.30am start for visits would avoid the school run on weekday mornings. However, concerns have been expressed by local residents about traffic along Delphside Road. Additional car trips associated with the business would exacerbate existing issues, and the proposed visiting hours would not avoid the afternoon school run.

13. Concerns have also been raised about parking in the area, but the plans show that space could be provided at the front of the property to park four cars, side by side. It is not clear how many vehicles the appellant's family have, but assuming that two spaces are needed for family cars, and with a maximum of two clients at any one time, there would be sufficient off-street parking spaces for both the residential and business uses.
14. The provision of parking as proposed would mean that clients would not need to park on the street. This should avoid problems associated with inconsiderate parking, which had been raised in relation to the earlier business use at the site. However, to facilitate this, the whole of the front garden would need to be used for parking, and the existing dropped kerb extended across the frontage of the site.
15. I acknowledge that many residents now use their front gardens primarily for parking, and, with the necessary consents from the Highways Authority, the dropped kerb could be widened. Nonetheless, the loss of the front garden and boundary walls would detract from the character of the area. Furthermore, I share the view of the Highways Officer that rows of cars parked off the highway would be undesirable here, as it could cause inconvenience for pedestrians using the footway and crossing the road.
16. The appellant has referred to the Council's decision to allow a dog grooming business to operate from a house in Kingsway, Ince¹. I agree that there are similarities between the businesses, but the controls imposed on the Kingsway scheme, which impose a maximum of three dogs per day, means it would be less intensive than the appeal proposal, with less comings and goings. Furthermore, activities forming part of appellant's business, such as microchipping litters of puppies, mean there may well be more dogs visiting the site than the three per day allowed for in the Kingsway scheme, with added potential for noise and disturbance. Consistency in decision making is important, but the example provided does not provide a reason to allow this appeal.
17. Similarly, the appeal concerning the operation of a beauty salon from a domestic outbuilding in Heswall, Wirral² also allowed for a less intensive use than the proposed scheme. Furthermore, in the Heswall case, the Inspector did not agree to the five clients per day which were sought. Rather, to safeguard the residential character of the area and the living conditions of neighbouring occupiers, the number of sessions were restricted to three in any one day, with no appointments at weekends or bank holidays. With the controls imposed, there would be less activity associated with the beauty salon than that proposed in the appeal case, and without the potential for noise from dogs barking.
18. On the basis of the very limited information provided, I am unable to comment further on the case referred to in Nottingham. However, I have determined the appeal based on the particular circumstances of the case. I have found that the activity associated with the proposed business use would detract from the quality of life that neighbouring occupiers should reasonably expect in this residential area.

¹ Application ref A/23/95233/RET

² Appeal ref APP/W4325/W/20/3258285

19. I conclude that, owing to the number of comings and goings by clients and their dogs, the proposed use would cause harm to the residential character of the area and the living conditions of neighbouring occupiers. As it would have an unacceptable adverse impact on amenity and quality of life, the proposal would conflict with Policy CP17 of the Wigan Local Plan Core Strategy 2013. There would also be conflict with saved Policy S1E of the Replacement Unitary Development Plan 2006, which is concerned with protecting amenity where service uses of less than 150m are proposed outside existing town or local centres.
20. In addition, the appeal proposal would not comply with paragraph 135 of the National Planning Policy Framework (the Framework), which requires a high standard of amenity for existing users.

Other Matters

21. I appreciate that this will be disappointing to the appellant, and note the comment that continuing to rent premises is not viable in the longer term. However, I have been provided with no evidence to support that claim, or any information to explain the effect of dismissing the appeal on the business. Without such information, I can give little weight to any economic benefits associated with the scheme.

Conclusion

22. For the reasons set out above, I have found that the proposal would cause harm to the residential character of the area and the living conditions of neighbouring occupiers. It conflicts with the development plan and the Framework, and no other material considerations outweigh these harms. The appeal is therefore dismissed.

R Morgan

INSPECTOR