



Appeal Decision

Site visit made on 29 October 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/W3005/W/24/3346693

4 Westbourne View, Carsic Estate, Sutton In Ashfield, Nottinghamshire NG17 2HT

- 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 Miss Fiona Kellett and Fi's Perfect Paws against the decision of Ashfield District Council.
 - The application Ref is V/2022/0516.
 - The development proposed is currently a detached garage in a poor state. Wanting to change the use into a small dog grooming business.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of neighbouring residents with regard to noise and disturbance.
 - The effect of the proposal on highway safety.

Reasons

Living Conditions

3. The existing detached garage is located to the rear of 4 Westbourne View (No 4) and is part of a spacious garage court. No 4 is a semi-detached, two storey dwelling located in a predominantly residential area of Sutton in Ashfield and there is a primary school in close proximity to the appeal site. The detached garage is approximately 10m from the rear elevation of the neighbouring property (2 Westbourne View).
4. The appellant has explained that the garage has been insulated internally with fibreglass insulation and double board to reduce the noise output of the business. Nonetheless, I do not know how effective this might be especially as, in my opinion, there would be a likelihood of significantly more noise than the use of a domestic garage arising from the activities and dogs barking, however well behaved and controlled.
5. Although the appellant would provide a 1-1 service with one dog groomed at a time and a gap between appointments, it is intended that the use would operate 5 days a week. Even on the appellant's estimation of the daily number of appointments, this would amount to significant increased activity with

additional comings and goings and potential barking of dogs as they are led to and from the 'salon'.

6. On the basis of the information before me, and whilst acknowledging the measures that the appellant proposes, I consider that there would be an inevitable adverse effect on the living conditions of neighbouring residents with regard to noise and disturbance.
7. Near to the appeal property is a school and nursery. Whilst there will at peak times of the school/nursery day be an increase in the level of noise emitted along with deliveries, this does not justify a development that could cause the harm I have identified above with regard to living conditions.
8. In conclusion, the proposal would conflict with Policy ST1(b) of the Ashfield Local Plan Review 2002 insofar that it seeks to ensure, amongst other things, that development would not result in harm to the amenity of neighbouring occupants.

Highway Safety

9. There is limited on road parking provision in Westbourne View. Opposite No 4 are a number of parking bays but it is not clear whether these are for residents alone. Moreover, the proximity of the school and nursery means that at peak times in the school day there would be a high volume of traffic on Westbourne View. The intention is for the appellant to provide a collection/drop-off service for the business.
10. There is no guarantee that every customer will use this service. Therefore, I cannot be certain that the proposed development would not result in an increase in demand for on-street parking spaces (albeit for relatively short durations), especially given the limited parking provision on Westbourne View.
11. The access to a relatively large garage court could be utilised by customers of the dog grooming business because it is not gated. Whilst the appellant highlights that customers would be asked to park on the aforementioned bays opposite No 4 this cannot be guaranteed.
12. However, even if customers were to use the garage court there is no evidence before me to suggest the use of the access and existing visibility splays have been the cause of any accidents. Moreover, considering the 1-1 nature of the business, the proposed collection/drop-off service and that the appellant is agreeable to a condition that prevents the business from being open at peak times during the school day, the intensification in its use would be unlikely to unacceptably exacerbate any existing risks or create new ones including in relation to pedestrian-vehicle conflict.
13. Given the above, I do not consider the proposed development would result in harm to highway safety. The development would therefore comply with Policy ST1(c) of the Ashfield Local Plan Review 2002 which seeks to ensure that development does not adversely impact highway safety.

Other Matters

14. My attention has been drawn to the conduct of children in the area and the disruption they cause regarding noise, disturbance and damage. This does not

justify the harm I have identified above because of the proposal and is not determinative for this appeal.

15. The storage of waste bags and advertisements have been raised, however as I am dismissing for other reasons these are not matters I need to consider further.

Conclusion

16. Although I have found that the proposal would not give rise to unacceptable highway impacts, I consider that the adverse effects on residential amenity determine the outcome of the appeal. On this basis I find the proposal to be in conflict with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR