



Appeal Decision

Site visit made on 25 November 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/E2001/W/24/3344674

68 Western Road, Goole East Riding of Yorkshire DN14 6QL

- 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 Ms Jekaterina Jermakova against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/03437/PLF.
 - The development proposed is the erection of cat enclosure and outbuilding to rear garden for commercial cat breeding and change of use from C3 residential dwelling to mixed use residential and commercial sui generis (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice rather than the application form as this accurately describes the development. Although the description refers to the development being retrospective, and while the change of use appears to have taken place, the proposed development in the rear garden has not been erected. As such, I have determined the appeal on the basis of the plans for clarity.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with regard to odour, outlook and noise.

Reasons

5. 68 Western Road is a semi-detached dwelling located within a quiet residential area, where properties are relatively close to one another. This creates a sensitive relationship between the appeal site and surrounding dwellings.
6. The appellant has indicated that they have obtained an agreement with the Council for the collection of commercial waste, and I have no reason to doubt that waste would be disposed of in accordance with the agreement. As such, there would be no unacceptable effect on neighbouring occupiers living conditions with regard to odour. Despite the proposed enclosure and

outbuilding not being typical of the structures found in residential gardens, the largely mesh construction would be visually permeable and the use of timber cladding on the outbuilding would not be visually dissimilar to a garden shed. For these reasons, the effects of the proposed development would be mitigated. Therefore, no unacceptable effect on outlook would arise, and the living conditions of the neighbouring occupiers would not be diminished.

7. I have carefully considered the large number of objections from residents with concerns regarding noise from the change of use and the effect this has on their health and wellbeing. It is indicated that in the summer neighbours have had to close their windows due to the unsettling sounds from the cats in the garden at the appeal site, including at nighttime. The noise from the appeal site is said to be at such a volume that it is audible to the occupiers of No 61 inside their property, across the road from the appeal site.
8. There is no specific evidence to objectively establish the background noise levels of the area, or noise associated with the proposed use. Such information would ascertain whether the proposal would be acceptable with regard to noise levels in the context of the residential area and the proximity of neighbouring dwellings. As such, it is not clear whether an acceptable standard of living conditions for neighbouring occupiers would be secured. The proposal would therefore not fulfil the provisions of the Framework which seek development that is appropriate for its location and a high standard of amenity for all users.
9. It is suggested that this matter can be addressed by the imposition of an appropriately worded planning condition restricting the number of cats outside during day time hours. While this could prevent disturbance during the night, it is unclear on what basis limiting the number of animals outside at anyone time to four cats would ensure that noise would not be excessive. In the absence of any substantiated evidence relating to noise, I am unable to determine whether the imposition of a condition would ensure that noise levels would be within acceptable parameters. In coming to this conclusion, I have taken into account the sensitive relationship between the appeal site and surrounding dwellings, and the concerns of neighbouring occupiers.
- 10 Overall, while the proposal would not be harmful to the living conditions of neighbouring occupiers with regard to odour and outlook, in the absence of sufficient information to demonstrate to the contrary, the proposal would harm the living conditions of neighbouring occupiers with regard to noise. The proposal would be in conflict with Policy ENV1 of the East Riding Local Plan 2012-2029 Strategy Document (2016) which amongst other things, requires development to have regard to the amenity of existing properties.

Conclusion

11. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR