



## Appeal Decision

Site visit made on 23 November 2020

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 December 2020**

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**Appeal Ref: APP/H0738/W/20/3254552**

**34 Cennon Grove, Ingleby Barwick TS17 5DB**

- 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 Miss Hannah Spicer against the decision of Stockton-on-Tees Borough Council.
  - The application Ref: 19/1492/COU, dated 7 July 2019, was refused by notice dated 29 May 2020.
  - The development proposed is garage conversion to facilitate the change of use from residential garage (C3) to pet grooming salon (Sui Generis).
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### Decision

1. The appeal is allowed and planning permission is granted for garage conversion to facilitate the change of use from residential garage (C3) to pet grooming salon (Sui Generis), at 34 Cennon Grove, Ingleby Barwick TS17 5DB, in accordance with the terms of the application Ref: 19/1492/COU, dated 7 July 2019, subject to the conditions set out in the schedule attached.

### Procedural Matters

2. I have used the description of development as stated in the Council's decision notice and the appellant's planning appeal form in the banner heading and formal decision above as this is more precise.
3. At the time of my site visit, I saw that the alterations to the garage and the change of use have taken place. I also note that the application has been submitted retrospectively. I have therefore dealt with the appeal on that basis.
4. There are some discrepancies in the submitted evidence as to the existing and proposed days and hours of the operation of the dog grooming salon (the salon). For the avoidance of doubt, in my determination of the appeal, I have had regard to the days and hours as stated in the Council's officer report and the appellant's statement of case and final comments in respect of this matter.

### Main Issues

5. The main issues are:
  - The effect of the proposal on the character and appearance of the area; and,
  - The effect of the proposal on the living conditions of occupiers of neighbouring properties, with regard to noise and disturbance.

## Reasons

### *Character and appearance of the area*

6. Number 34 Cannon Grove (No 34) is the central property within a short terrace of three houses located in a modern residential estate. The neighbourhood is characterised by a mix of detached, semi-detached and short terraces of two-storey dwellings of similar styles and materials. Some of the properties, including No 34, possess integral garages which project forward of their front building line. The houses are situated within moderately sized plots and are generally set back from the highway behind open driveways/gardens. All of these elements combine to provide a pleasing spacious and harmonious character and appearance to the area.
7. At present, the salon opening hours are stated to be between 09.00-17.00 Mondays to Fridays, with the last dog leaving around 17.30. There are approximately two – five clients per day consisting of a maximum of four full grooms with one – two additional shorter appointments for nail clipping or familiarisation with the salon. The salon is also occasionally open between 09.00-13.00 on Saturdays.
8. Having regard to the submitted evidence, the appellant appears to accept the opening hours of the salon being restricted to 09.00-17.00 on Mondays to Fridays, as there has been an avoidance of working on Saturdays. However, between Mondays to Fridays the appellant has requested the ability to have up to five – six clients per day to enable the business to be viable. This would be two more clients per day than the four clients per day as discussed with the Council.
9. The operation of the salon serving five – six clients per day would generate additional activity and movement to and from No 34. Nevertheless, this would be a maximum of only 12 movements per day which would be staggered between 09.00 and 17.00. As such, the additional activity would not be unduly intensive and would not harmfully detract from the residential character of the terrace or street.
10. The insertion of the white uPVC door and window frame into the garage door opening has altered the solid form and appearance of the garage frontage and has a degree of prominence when viewed from passing public routes. However, given that the size and profile of the garage opening has remained the same and the materials complement the host property, it is not wholly incongruous in the street scene and does not detrimentally alter the character and appearance of the area.
11. I note that, unlike other garage conversions in the area, the frame inserted into the garage door opening of No 34 has a central door to permit external access, which is contended by the Council to emphasise its internal commercial use. I am also mindful that the property could potentially accommodate an internal access door from the house into the garage. Nonetheless, as the door and windows possess solid lower panels and glazed upper panels, the frame reflects the solid to void ratio of other garage conversions in the area and does not significantly detract from or diminish the residential nature of the street.
12. Therefore, I conclude that the proposal would not and does not have a harmful effect on the character and appearance of the area. As such, it would not and

does not conflict with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (SLP) which, amongst other things, seeks new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area. It also would and does accord with Paragraph 127 of the National Planning Policy Framework (the Framework), in so far as it requires that developments are sympathetic to local character.

*Living conditions of occupiers of neighbouring properties*

13. The use of the garage as a dog grooming salon for five – six clients per day would inevitably lead to some noise from the dogs and the use of the equipment. However, dogs barking is fairly typical within a residential setting and the small scale of the business would limit any increase in noise pollution from dogs or equipment within the locale.
14. The additional activity and movement (vehicular and pedestrian) to and from No 34 would also have the potential to generate parking/highway safety issues as well as noise and disturbance. Nonetheless, as stated above, this would be a maximum of only 12 movements per day, the majority of which would be time limited in their duration when dropping off or picking up dogs and spread out over the period between 09.00 and 17.00. This would not be disproportionately over and above general movement within the area and would not give rise to harmful effects that would be detrimental to the living conditions of neighbours.
15. Moreover, the imposition of conditions would mitigate any adverse effects. Conditions restricting the days and hours of work would ensure that in the evening, weekends and bank holidays, when many residents may be at home and could reasonably expect a greater degree of quiet, the use would not be in operation. Additionally, conditions limiting the number of dogs in the salon and the number of clients per day would restrict the scale of the business. Also, conditions requiring the windows to be closed when the equipment is in use and the provision of an additional car parking space within the curtilage of No 34 would lessen any noise pollution and parking/highway safety issues.
16. Accordingly, I conclude that, subject to conditions, the proposal would not have a harmful effect on the living conditions of occupiers of neighbouring properties, with regard to noise and disturbance. As such, it would not conflict with Policy SD8 of the SLP in so far as it requires new development to respond positively to the privacy and amenity of all existing and future occupants of land and buildings. It would also accord with Paragraphs 117 and 127 of the Framework to the extent that decisions should ensure safe and healthy living conditions and that developments create places with a high standard of amenity for existing and future users.

**Conditions**

17. I have had regard to the conditions suggested by the Council and considered them in light of the comments made by the appellant and against the tests set out in the Framework and the Planning Practice Guidance. I have made slight amendments where necessary in the interests of clarity.
18. As the development has already occurred, the standard commencement condition is not necessary. The site plan and a photo of the front elevation of the salon are specified as this provides certainty.

19. In the interests of the living conditions of existing and future occupiers of neighbouring properties, conditions restricting the days and hours of use; the number of appointments per day and the number of dogs in the salon at any one time; and, the opening of the windows and door when the salon equipment is in use, are necessary.
20. I have not included a requirement for deliveries to be within the hours of operation, as given the modest scale of the use, these would be limited in number and size. I note the Council's suggested limit of four clients per day. However, given that the appellant has confirmed that a maximum of only four full grooms can be achieved in any one day and that any other appointments are much shorter in duration, I consider that a maximum of six appointments per day, Mondays to Fridays, to be reasonable and, as outlined above, would not give rise to any harmful effects.
21. In the interests of highway safety and prevention of increased flood risk, a condition relating to the provision of an additional car parking space of an appropriate material within the curtilage of No 34 is necessary.

### **Conclusion**

22. For the reasons given above, I conclude that, subject to conditions, the appeal should be allowed.

*F Cullen*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby approved shall be in accordance with the following approved documents: Site Plan, 34 Cennon Grove TS17 5DB and Photo of front elevation of converted integral garage/dog grooming salon.
- 2) Notwithstanding the submitted information, the use hereby permitted shall operate only between the hours of 09:00 – 17:00 Mondays to Fridays, and not at all on Saturdays, Sundays and Bank Holidays.
- 3) Notwithstanding the submitted information, the number of appointments or clients visiting the premises shall be restricted to no more than six appointments per day, during the permitted hours of operation only, and there shall be no more than two dogs in the premises at any one time.
- 4) The front windows and access door of the converted garage shall not be open when the dog grooming equipment is in use.
- 5) Within six months of the date of this decision, an additional car parking space at 2.4m x 5m, shall be provided and this parking provision shall be retained thereafter for the lifetime of the development. The hard-standing shall be constructed from porous/permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

### **End of Schedule of Conditions**