

Aylesford **575355 162687** **12 March 2012** **TM/12/00821/FL**
Blue Bell Hill And
Walderslade

Proposal: Erection of a building in the rear garden for the purpose of carrying out a dog grooming business
Location: 34 Hurst Hill Walderslade Chatham Kent ME5 9BU
Applicant: Mrs Valerie Tucker

1. Description:

- 1.1 Planning permission is sought for the erection of a new building in the rear garden of a residential dwellinghouse for use as a dog grooming business.
- 1.2 The proposed new building is rectangular in shape and approximately 4.34m in width and 3.43m in depth. It has a flat roof, which is approximately 2.5m in height. The building is holly green UPVC and light wood, with full length windows and doors in the front elevation and one side elevation.

2. Reason for reporting to Committee:

- 2.1 The level of public interest - concerns have been raised from several surrounding properties.

3. The Site:

- 3.1 No.34 Hurst Hill is a link-detached property, sited within a close on the south side of the main spine road. No.34 is the second house in, positioned on the west side of the road and has an attached single garage on the north side, with a driveway to the front to provide off street parking for two cars.
- 3.2 There is a pedestrian side access running from the front to the rear of the property, located on the south side of it.
- 3.3 This section of Hurst Hill has a total of 14 dwellings within it, predominantly with similar sized plots.

4. Planning History:

TM/76/10866/FUL Grant 14 September 1976

Walderslade Development - public open space Areas A, B, D and E Woodland Management pursuant to Outline Planning Permission TM/74/3.

TM/82/10809/FUL Grant 26 August 1982

Submission of details of 42 dwellings forming Walderslade Housing Area 3B2.

TM/96/01361/TPOC Grant With Conditions 29 October 1996

Removal of one flowering cherry tree (T.P.O. 12.2.18 file 13)

5. Consultees:

- 5.1 PC: Objections raised – This will constitute commercial use in a residential area and is likely to result in parking problems in a narrow road. There could also be a noise nuisance.
- 5.2 KCC (Highways): The application does not state the number of employees and I am assuming that there will be 1 employee and 1 dog will be groomed at any one time. If this is the case the traffic generation and parking demand will not be high, particularly when bearing in mind that a dog collection and delivery service will be available.
- 5.3 DHH: No objections raised.
- 5.4 Private Reps: 10/0X/7R/0S + 3 further objections received on the amended plans. The objections raise the following issues:
- There is one road in and out of the estate which is already busy enough – it is not designed for additional traffic from business uses.
 - The road is a no-through road, is currently very quiet and does not have any pavements.
 - Residents were attracted to the area due to its quiet and peacefulness.
 - Extremely limited parking available in the road.
 - Children regularly play in the road and adjoining driveways.
 - If building work was to go ahead builders vans and equipment would block residents right of way into and out of the close.
 - There would be noise associated with the construction and potentially unsightly development.
 - Off street parking as the road is too narrow to park in and if people drop off and collect dogs the road will become busier and congestion will be caused.
 - The owners of the property already have 3 cars – 1 of which is parked on the road.

- A business use is out of keeping with the residential area - residents did not expect to be living opposite a business - business uses should be located within a business park.
- This could set a precedent for further business uses.
- Dropping off and collecting dogs could cause a barking competition between dogs living in the road, which will shatter peace and tranquillity.
- Dogs protesting to grooming can make a lot of noise.
- The proposed use will cause a lot of noise and disturbance, especially in summer months.
- The proposed building will become very hot in summer months and the only ventilation is obtained from having the doors and windows open.
- Open doors and windows could potentially mean that dog hairs may enter neighbouring gardens.

6. Determining Issues:

- 6.1 The application is considered with regard to Policies CP1 and CP24 of the TMBCS, policy SQ1 of the MDE DPD and Saved Policy P4/12 and the associated annex of the TMBLP.
- 6.2 Policy CP1 of the TMBCS 2007 requires that proposals for new development must result in a high quality sustainable environment.
- 6.3 Policy CP24 of the TMBCS sets out the general criteria for all new development, including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. Similarly, policy SQ1 requires that all new development should, amongst other things, protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity.
- 6.4 Saved Policy P4/12 and Policy annex PA4/12 of the TMBLP 1998 gives more detailed design criteria and requires that residential extensions are in keeping with the character of the building and the street scene, and that residential extensions should respect the residential amenity of neighbouring properties.
- 6.5 The National Planning Policy Framework (NPPF), which came into force on 27 March 2012, requires that planning should seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking into account the different roles and character of different areas and supporting sustainable economic development (paragraph 17).

- 6.6 The main considerations in dealing with this application are the impact of the proposals on the application site, neighbouring residential properties and the highway network.
- 6.7 The overall design of the building is considered to be in keeping with the residential area, and it is not considered that it will have a detrimental visual impact on the application site, surrounding properties or area as a whole.
- 6.8 The main concern with the application is the use to which this building will be put.
- 6.9 A total of seven letters of objection have been received from neighbouring properties. The biggest concerns have been in relation to noise disturbance and traffic generation. The applicant has submitted additional information explaining that it is her intention to groom a maximum of 3 dogs in any single day and that she will not have more than one dog, unless under the same ownership, at the property at any one time.
- 6.10 With regard to noise from the outbuilding itself, the applicant has advised that the studio is insulated to aid in noise reduction. Nevertheless, it is the level of comings and goings associated with the use that is likely to be the most significant potential cause of noise and disturbance to nearby residents. Conditions can be attached to any permission that may be granted to restrict the number of dogs groomed within a day and the number on site at any one point, to control the scale of the business activity in order to protect the amenity of nearby residents.
- 6.11 With regard to concerns of traffic generation and parking, the owner is proposing a collection and drop off service for the dogs, which is considered will reduce the potential for disturbance caused by customers parking in the road. Furthermore, if a condition is attached limiting the number of dogs being groomed per day to three, I do not consider that any additional traffic coming to the application site will be so great as to warrant refusal of the planning application. Additionally, I note that there have been no objections from KCC Highways to the proposals.
- 6.12 Although I believe that the restrictions discussed above will adequately control the impact of the use, much will depend on how it is operated in practice. I therefore consider that on this occasion it would be appropriate to grant planning permission for a temporary period of one year in order to assess whether the use does cause unacceptable disturbance within the residential area.
- 6.13 Subject to these restrictions, I believe that the proposal will meet the various policies set out in paragraph 6.1 above and therefore I find this proposal acceptable subject to conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:
Email dated 16.04.2012, Supporting Information dated 16.04.2012,

Photographs dated 16.04.2012, Design and Access Statement dated 12.03.2012, Email dated 12.03.2012, Elevations dated 12.03.2012, Floor Plan

dated 12.03.2012, Block Plan dated 12.03.2012, Location Plan dated 12.03.2012, Drainage Layout dated 12.03.2012, Site Plan dated 12.03.2012, and the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality, in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998, Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 58 of the National planning policy Framework 2012.

- 3 The use hereby permitted shall be discontinued on or before 30 June 2013.

Reason: In order to allow the Local Planning Authority to assess the impact of the proposed use on highway safety and the amenity of the area, in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document and the National Planning Policy Framework 2012 (paragraph 17).

- 4 The business shall not be carried on outside the hours of 9:00am to 6:00pm Mondays to Fridays and 9:00am to 1:00pm Saturdays, with no working on Sundays or Public and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unnecessary disturbance outside normal working hours to nearby residential properties and to protect the residential amenity of the area, in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document and the National Planning Policy Framework 2012 (paragraph 17).

- 5 There shall be a maximum of three dogs groomed at the premises within any single day.

Reason: To avoid unnecessary disturbance to nearby residential properties, in accordance with Policy CP24 of the Tonbridge and Malling Borough Core

Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document and the National Planning Policy Framework 2012 (paragraph 17).

- 6 Only a single client's dog(s) shall be at the premises as a whole at any one time.

Reason: To protect the residential and aural amenity of local residents in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document and the National Planning Policy Framework 2012 (paragraph 17).

Contact: Vicky Bedford