
Appeal Decision

Site visit made on 22 November 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th December 2016

Appeal Ref: APP/A2280/W/16/3156360

Aquarius, 8 Watson Avenue, Horsted, Chatham ME5 9SH

- 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 Mrs Usha Chottai (Aquarius Residential Care Home) against the decision of The Medway Council.
 - The application Ref MC/16/2045, dated 9 May 2016 was refused by notice dated 28 July 2016.
 - The development proposed is described as 'a first floor extension to form a 'dementia' care suite above the existing care home at Aquarius Residential Care Home'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Usha Chottai against The Medway Council. This application is the subject of a separate Decision.

Procedural Matter

3. Two previous appeal decisions have been brought to my attention. Both relate to similar developments at the appeal site¹. Both are material considerations, to which I attach significant weight in determining this appeal.

Main Issues

4. The effect of the appeal proposal on the character and appearance of the locality, the living conditions of future occupiers, with regard to outdoor garden space and the living conditions of neighbouring occupiers, with regard to the increased pressure for on-street parking and indiscriminate parking in the immediate area.

Reasons

Character and Appearance

5. The appeal site includes a detached bungalow on the corner of Watson Avenue and Thorndale Close. It has been extended in the past, including a large single storey extension with a flat roof that extends along the Thorndale Close frontage. It is used as a care home for people with dementia.
6. The character and appearance of the locality is generally residential. Detached and semi-detached bungalows predominate, although adjacent to the appeal

¹ Ref APP/A2280/W/15/3135076 and APP/A2280/A/04/1145633

site, along Watson Road there are a few semi-detached houses. Properties are modest in size, contained within defined curtilages and generally include hard surfaced areas or garages which provide off-street parking. Generally the locality has a cohesive and spacious character and appearance.

7. The appeal proposal would significantly increase the size of the appeal property so that it would appear out of scale with other properties in the locality and would appear overdeveloped. For this reason, it would diminish the spacious character and appearance of the locality identified.
8. I acknowledge that the proposed elevation fronting Thorndale Close would overcome some of the concerns of the previous Inspector in relation to the most recent appeal². I also acknowledge the efforts made by the appellant in this regard. However, the appeal development's largely two storey form along the Thorndale Close frontage would appear out of scale with the single storey properties that dominate in that street. Due to its general height and length, it would appear visually dominant and overbearing when viewed from Thorndale Close and from the area around the junction with Watson Avenue. I have taken into account that the mass of the proposed Thorndale Close elevation would be broken up, there would not be large areas of unrelieved brickwork and the roof would be an appropriate pitch. However, these matters do not overcome my concern.
9. I conclude that the appeal development would result in unacceptable harm to the character and appearance of the locality that I have identified. For this reason it would fail to accord with Policy BNE1 of the Medway Local Plan (2003) (MLP). That policy aims that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and should respect the scale, appearance and location of buildings. It also states, in the preamble to that policy that extensions should not appear to dominate the original or adjacent buildings or result in the overdevelopment of plots.

Living Conditions

10. The appeal proposal would provide a small enclosed courtyard for use by residents of the scheme. Whilst this would be unchanged from the existing situation, the appeal development would result in up to ten more residents using the small courtyard, along with the additional staff required for their care. As the courtyard is small, it would feel a cramped oppressive space and would fail to provide satisfactory access to outdoor space.
11. I appreciate that the appeal development would retain an existing conservatory. However, although that would provide an alternative space for pleasant relaxation, it would not provide outdoor space. I agree with the appellant that occupants of rest homes and hostels are likely to be more active and more mobile than the residents of a nursing home, which should be reflected in the amount of outdoor space required to meet their needs and have taken this on board. I have also taken into account that MLP Policies BNE2 and CF5 do not set out size standards. However, both are concerned with securing the amenities of future occupants and in respect of nursing and special care that proposals should be of a size, design and location that will provide a satisfactory environment for future residents. I am aware that the

² Ref APP/A2280/W/15/3135076

Care Quality Commission, with which the appellant company is registered to provide nursing and dementia care, does not set a requirement for private amenity space. Taking all these matters on board, I still have concern for the limited outdoor space that would be available for future residents and staff. Overall, this adds to my concern for the overdeveloped nature of the appeal development.

12. In coming to this conclusion, I have considered the views of my Colleague's in this regard. Both previous appeal developments differ from that before me, in respect of the provision of outdoor space. However, in the first of those appeals, that Inspector raised concern regarding the provision of outdoor space that would result.
13. I conclude that the appeal proposal would fail to provide satisfactory living conditions for future occupiers, with regard to outdoor garden space and would therefore be contrary to MLP Policies BNE2 and CF5.

On-Street Parking

14. The impact of on-street parking was fully explored as part of the most recent appeal.³ That appeal development would have resulted in more residents and staff than the proposal before me. In this regard, that Inspector concluded that, even though it was highly likely that the off-street parking provision at the appeal site would not be sufficient to fully cater for the parking needs of the appeal development, the additional parking demand that would result would be unlikely to have a material impact on the demand for and availability of on-street parking in the area. She also concluded that any indiscriminate parking across pavements is a matter that can be dealt with under other legislation.
15. I have no evidence that the space at the front of the appeal property, currently used for parking, has changed since that appeal decision. Whilst I have taken into account the views of local residents before me, including photographic evidence provided, this does not amount to substantive evidence of a material change in circumstances since the last appeal decision. It is clear that existing on-street parking, some of which it is evidenced has resulted from the existing care home at the appeal site, is the source of some inconvenience to local residents. However, no evidence that on-street parking has reached saturation point is before me. Whilst there is some evidence of inconsiderate parking on the pavements, which would be a particular problem for local residents who use a mobility scooter, I agree with my Colleague that indiscriminate or illegal parking is controlled under other legislation. In these circumstances, I have no reason to take an alternative view to that of my Colleague in dealing with that most recent appeal.
16. I conclude that the appeal proposal would not have a material impact on parking pressure in the locality and thereby increase inconvenience for local residents or result in a material increase in indiscriminate parking in the immediate area. It would, therefore, generally accord with MLP Policy BNE2 in this regard. That policy aims for new development to protect the amenities of nearby and adjacent properties, including due to traffic generation.

³ Ref APP/A2280/W/15/3135076

Other Matters

17. I am aware that the appellant company provides nursing and care for vulnerable people, a service for which there is an identified need in the area. I accept that such a demand is likely to increase as the population generally is getting older. I am also aware that it would provide purpose built accommodation and economies of scale for the existing operation, which is at capacity at present and for which there is a waiting list. However, whilst these social and economic benefits are recognised they would not overcome the environmental and social harm that I have identified. For this reason, the appeal development would not fall within the definition of sustainable development as set out throughout the National Planning Policy Framework.
18. Whilst the appellant refers to an emerging plan, no substantive evidence in this regard is before me and no emerging plan. I therefore have made my decision on the basis of the policies before me.

Conclusion

19. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR