
Appeal Decisions

Site visit made on 31 January 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 3 February 2017

Appeal A Ref: APP/M4320/W/16/3160960

Balliol Lodge Nursing Home, 58 Balliol Road, Bootle L20 7EJ

- 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 Mr Amar Modhvadia against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/00200, dated 1 February 2016, was refused by notice dated 9 June 2016.
 - The development proposed is the change of use from a Nursing home to housing of multiple occupancy accommodation.
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Appeal B Ref: APP/M4320/W/16/3160965

Balliol Lodge Nursing Home, 58 Balliol Road, Bootle L20 7EJ

- 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 Mr Amar Modhvadia against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/01310, dated 1 February 2016, was refused by notice dated 31 August 2016.
 - The development proposed is the change of use from a Nursing home to housing of multiple occupancy accommodation.
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Decision

1. Appeal A is allowed and planning permission is granted for the change of use from a Nursing home to housing of multiple occupancy accommodation at Balliol Lodge Nursing Home, 58 Balliol Road, Bootle L20 7EJ in accordance with the terms of the application, Ref DC/2016/00200, dated 1 February 2016, subject to the conditions in the attached schedule.
2. Appeal B is dismissed.

Preliminary Matter

3. The Council's Local Plan for Sefton (Local Plan) has been subject of hearing sessions. The Council therefore considers that significant weight can now be afforded to policies contained within the Local Plan and that the proposal is contrary to policies HC4, SD2, EQ2 and EQ3. Nonetheless, the examining Inspector has not yet issued their findings and its adoption is some time away. As such, I can give these policies no weight in the determination of this appeal.
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Main Issues

4. The main issues in both appeals are the effect of the proposed parking and access arrangement on the living conditions of occupants in St Albans Square, with regards to noise and disturbance. With regard to Appeal B, there is an additional main issue: the effect of the proposed access arrangement on highway safety in Balliol Road.

Reasons

Living Conditions

5. The appeal site is a large detached three storey vacant property formerly used as a nursing home. Nearby, the area contains a mixture of residential and commercial uses, with the latter particularly found on Balliol Road and Stanley Road. The building is set within large grounds, fronting onto Balliol Road and its rear garden area adjoining an adopted road which extends around dwellings on St Albans Square to the north. There are two vehicular access points from the site onto the adopted road to the rear which leads onto Trinity Road at two separate points either side of properties on St Albans Square.
6. The building subject of the appeals was originally two properties (58 and 60 Balliol Road). It is suggested that at some point they became a single unit. The appellant, in this regard suggests this took place either in the late 1980s or early 1990s on the basis that planning permissions were granted in 1986 for each individual property¹. There is no proof to confirm this, but I note that the Council do not dispute the appellant's evidence. In any event, I concur with the appellant that these planning permissions are of a particular significance, as they cumulatively required the provision of eight car parking spaces, all of which were to be accessed from the rear of the site using the adopted road behind St Albans Square.
7. Both appeal proposals would provide for seven off-street parking spaces in the area of hardstanding that lies behind what would have been No 60. While the Council suggest a larger car park would be formed in respect of Appeal A, I have considered the proposals that are before me. The spaces would be sited behind tall brick boundary walls to the side and rear. Even though the spaces would not be laid out precisely as shown in the approved layout plan for the planning permission relating to No 60², there would be a broad consistency with the use of the hardstanding at the rear for parking. Furthermore, in respect of Appeal A, the proposal would rely upon the adopted road for access which has, based on the available evidence, been used to provide vehicular access to the rear of the site by up to eight vehicles. Although Appeal A would only use a single point of access, this would not alter the potential number of vehicles that could enter and leave the site as a result of the 1986 permissions.
8. I appreciate that Members of the Planning Committee visited the site prior to a deciding upon the scheme that is subject of Appeal A and the Council's point that the proposed use, could due to the proposed number of occupants in both appeal schemes, lead to a greater number of movements at the rear of the site compared to the nursing home use. However, despite the proximity of properties on St Albans Square and in particular the bedroom and kitchen windows of the semi-detached pairing of 5 and 6 St Albans Square, there is no

¹ Council Application Refs: S/25497 and S/25668

² Council Application Ref: S/25668

tangible evidence to indicate what the uplift in vehicular movement's maybe, given that the car park could only accommodate a slightly lower number of vehicles than the sum of the 1986 permissions could.

9. Moreover, movements related to the site would not solely be focussed at the rear. Both schemes include parking provision at the front and the main entrance to the building would be the main focus of pedestrian movements to and from the site. In terms of Appeal A, I am also mindful that a number of residential properties on St Albans Square, as well as the Independence Initiative and Forum Housing all have vehicular accesses and off-street parking facilities that can only be accessed from the adopted road. So, while I appreciate that the relationship is relatively close, and vehicle movements could occur at any time of day, I do not consider that the proposal subject of Appeal A would cause noise and disturbance that would lead to a significant harm to residents living conditions. It naturally follows, given the development subject of Appeal B would not entail vehicles entering or leaving the site using the road to the rear that I do not consider a significant harm would be created.
10. Thus, on this issue, I conclude that Appeals A and B would comply with Policies CS3 and MD3 of the Sefton Unitary Development Plan (UDP), the Council's Houses in Multiple Occupation (HMO) and Flats Supplementary Planning Document (SPD) and paragraph 17 of the National Planning Policy Framework (the Framework). These policies together, amongst other things, seek to ensure development does not cause a significant harm to neighbouring residents living conditions.

Highway Safety

11. Balliol Road is a busy dual carriageway which extends across the site's frontage. Traffic lights to the east of the site control the junction of Balliol Road and Stanley Road. This junction provides a pedestrian crossing point. Pedestrian footways and double yellow lines extend along Balliol Road in either direction from the appeal site. The site itself benefits from two vehicular access points which are at either end of the front boundary wall. The land behind the boundary wall is covered in hardstanding. A pedestrian ramped access leads up to a front entrance to the building. The ramp lies in front of a two storey bay window.
12. Vehicular access to the rear parking area with regard to Appeal B would be gained using the access alongside the flank elevation of the building nearest to 62 Balliol Road. This access is long and narrow. The width of the access is constrained by the flank elevation of the building and a tall brick boundary wall. A mixture of drain pipes and a chimney breast further narrow the width of the access. The appellant puts the width of the access to be between 2.3 metres and 2.5 metres. This would not allow two vehicles to pass or a vehicle and a pedestrian to pass one another. Despite the appellant's contrary view, I am not convinced that the access would in practice be exclusively used by vehicles, as occupants may choose to walk from the rear of the site to the building's front entrance.
13. Even though the access and parking area to the rear may have been used previously, I must have regard to the proposal that is before me which would involve vehicles entering the site from Balliol Road using the entry point directly in front of the access leading to the rear. Although the route from the access on Balliol Road is straight, the presence of the flank brick boundary wall

would significantly affect visibility of drivers entering the site. Drivers would not necessarily be able to see any vehicles waiting just inside the access from Balliol Road due to this boundary wall. In tandem with the length of the access, drivers would not therefore be able to see any vehicles approaching the narrowest part of the access until they are within the site.

14. I recognise the hardstanding once inside the front of the site is deep enough to accommodate a vehicle. However the bay window and pedestrian access ramp would mean that vehicles would not be able to sufficiently manoeuvre out of the way to facilitate two vehicles passing each other. As a result, vehicles would need to reverse onto the footway along Balliol Road or the carriageway. This would be compounded if multiple vehicles were to seek to access or egress the rear parking area at any one time, which could very well arise, given the number of proposed occupants. Thus, vehicles extending over the pedestrian footway or into the carriageway would lead to potential conflicts with either pedestrians and or vehicles given the busy nature of Balliol Road.
15. Despite the suggestion of a passing place in the rear garden, my findings relate to the development proposal that is before me. For these reasons, I conclude that the proposed access arrangement would severely affect highway safety in Balliol Road. On this issue, Appeal B would be contrary to saved Policies CS3, DQ1 and AD2 of the UDP and paragraph 32 of the Framework. Together these seek to, amongst other matters, ensure safe and suitable access in and out of the site for everyone to prevent severe impacts on the transport network.

Conclusion and Conditions

16. I have regard to the conditions suggested by the Council in respect of Appeal A. I have imposed a condition specifying the approved plans as this provides certainty. A condition has been imposed to secure a noise assessment and a scheme of suitable mitigation measures, in the interests of future occupants living conditions, given the site's proximity to and relationship to Balliol Road.
17. I have imposed a combined version of the suggested conditions regarding vehicular and pedestrian accesses to avoid duplication and so that the site can be accessed safely on foot and by private vehicle. Conditions are necessary relating to one way signage and cycle parking facilities in the interests of promoting safe access and use of sustainable modes of transport.
18. For these reasons, I conclude that Appeal A should succeed. In respect of Appeal B, even though I have found no harm in relation to living conditions, this would not outweigh the harm to highway safety that would arise in respect of this scheme. I therefore conclude that Appeal B should be dismissed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans: 0594/16; 0595/16 Rev A and 0596/16 Rev A.
- 3) A noise assessment and suitable noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved mitigation measures shall be completed prior to the first occupation of the building and shall be retained thereafter.
- 4) No part of the development shall be brought into use until the areas for vehicular and pedestrian access, vehicle parking, turning and manoeuvring have been constructed, laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for the specified use.
- 5) Prior to the development being first brought into use, a detailed scheme of highway improvement works for the provision of appropriate signage for the one way system together with a programme for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. The appropriate signage is detailed in 'The Traffic Signs Regulations and General Directions 2002' with the access into the site from Balliol Road having 'IN' (no.833) showing on the street side and 'NO EXIT' (no. 835) inside the site and with the way out onto Balliol Road having 'OUT' (no.834) showing inside the site and 'NO ENTRY'(no.836) showing on the street side. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.
- 6) No part of the development shall be brought into use until facilities for cycle parking have been provided in accordance with the approved plan and these facilities shall be retained thereafter for that specific use.