

Appeal Decision

Site visit made on 22 May 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/L2250/W/17/3169961

Elm Lea Residential Care Home, 117 Bartholomew Lane, Hythe, CT21 4BX

- 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 Arvind Khanna against the decision of Shepway District Council.
 - The application Ref Y16/0712/SH, dated 31 May 2016, was refused by notice dated 22 December 2016.
 - The development proposed is extensions and alterations to the existing residential home providing 16 additional rooms, with increased communal lounge and dining facilities together with on site car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) highway safety, with particular regard to parking provision.

Reasons

3. The appeal site comprises an existing residential care home located in an open and prominent position on the corner of Bartholomew Lane and Lea Close. The existing home is accommodated within a substantial detached building, which has plainly been subject to multiple previous extensions and alterations over time. At the front of the site, adjacent to Bartholomew Lane, there is a detached, single storey, pitched roof building, referred to as an office. There is an existing access from Bartholomew Lane, a hardstanding area with parking laid out for around 5 cars, and a gravelled turning area. The remaining outside area is principally grassed garden, with various trees generally situated near the boundary. The local area is predominantly residential, consisting of a wide variety of dwellings, and lies within the settlement boundary of Hythe. Opposite the site lies a large residential care and nursing home, known as Balgowan House.
 4. It is proposed to reconfigure and extend Elm Lea to provide an additional 16 bedrooms with associated communal living space for ongoing use as a residential care home. The alterations would include, an additional storey to the office building and linking it to the main building, a rear extension to provide a communal lounge, and two-storey extensions, including projecting significantly from the front elevation. The existing building is not of any identified architectural or heritage merit.
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Character and appearance

5. The proposed extensions would substantially increase the size of the existing building. This would result in a building of such bulk and massing that it would appear excessively large for its plot and very prominent in its open and visible position. This would be exacerbated by the additional height to the office building element, which would border Bartholomew Lane, where a structure of such scale in proximity to the road would be significantly out of keeping with the established built form of the immediate area. The enlarged building would be very dominant in the streetscene, especially when compared to the modest buildings either side which include single storey garages and bungalows.
6. I therefore consider that the size, bulk, massing, design and siting of the proposed development would result in a visually discordant and unduly prominent building, which would appear cramped and unbalanced in its plot and at odds with the general scale and pattern of development in the vicinity. This would be inconsistent with the aims of saved Policy BE1 of the Shepway District Local Plan Review 2006 (SDLPR), which seeks a high standard of design and layout, including by according with existing development in the locality in respect of building form, mass, and height, among other things. For the same reasons it would be inconsistent with saved Policy BE8 of the SDLPR, which among other things seeks to ensure that alterations and extensions to buildings would reflect the scale of the original building and not have a detrimental impact on the streetscene.
7. I note that Balgowan House is a very large building but it is set back from the road and has a larger plot ratio such that the building is not unduly prominent in the streetscene and does not have a cramped appearance. The development at Balgowan House therefore does not alter my findings in relation to the appeal proposal.
8. In light of the above, I conclude that the proposed development would harm the character and appearance of the area. It would conflict with saved SDLPR Policies BE1 and BE8, the relevant requirements of which are set out above. It would also conflict with saved SDLPR Policy SD1, which sets out general sustainable development criteria including in relation to maintaining and improving the character and vitality of the built environment. These policies pre-date the National Planning Policy Framework (the Framework) but are generally consistent with it in regard to the subject of this appeal. I therefore afford them very significant weight.

Parking provision

9. The site layout plan indicates the provision of 6 car parking spaces on site, one of which the Council considers to be too small for purpose. The Council advises that 15 on-site parking spaces would be required for the proposed development, having regard to the Kent County Council Supplementary Planning Guidance (SPG4): Vehicle Parking Standards 2006. Saved Policy TR12 of the SDLPR advises that development must make provision for off street parking in accordance with maximum vehicle parking standards. The Council's reason for refusal also refers to Kent Highways and Transportation vehicle parking standards, a copy has not been provided but this may be the same as SPG4 which originated as part of the former Kent and Medway Structure Plan 2006.

10. The current status of SPG4 is unclear. I note that the maximum parking standards pre-date both the Framework and the parking related content of the Written Ministerial Statement of 25 March 2015, which advises that local planning authorities should only impose local parking standards where there is a clear and compelling justification that it is necessary to manage the local road network.
11. At the time of my site visit, on a Monday morning, there were two cars parked on the site. There were various vehicles parked on the street nearby in Bartholomew Lane, where there are no parking restrictions in the vicinity, with further spaces remaining available on street. I also note that Bartholomew Lane is on a bus route, with the 'Lea Close' bus stop located a short distance away. Policy TR12 advises that parking standards may be varied where the location is well served by public transport and there would be no adverse effect on road safety or traffic management, among other things.
12. During my site visit I observed very modest levels of traffic using Bartholomew Lane and no significant conflict between parked vehicles and passing traffic, apparently due to the adequate width of the road at this point. I note that my visit only represents a snapshot in time. Nevertheless, the additional on street parking demand generated by the scheme would be unlikely to be so significant as to affect highway safety to any harmful degree. Moreover, the site is accessible by public transport, albeit services may not run 24 hours a day, and is located within the town of Hythe, where a range of services and facilities is available. I also note that staff work shifts and so limited numbers are on site at any one time.
13. While the parking demand arising may not be fully met on site at all times, on the basis of the evidence before me, and my site visit, I am not persuaded that a clear and compelling justification for the rigid imposition of parking standards has been demonstrated in this case; or that the sub-standard level of on-site parking proposed would lead to any additional parking beyond the confines of the site to the extent that significant harm to highway safety would result in this case. I therefore conclude that the proposed development would not have a significant effect on highway safety, with particular regard to parking provision, and I find no significant conflict with saved Policy TR12 of the SDLPR or SPG4, the relevant requirements of which are set out above.
14. I have also been provided with Interim Guidance Note 3: Residential Parking 2008. However, this document carries little weight in this case, including because it states that retirement and other residential developments with particular occupancy controls, such as that proposed, are not covered by it, albeit some principles may be applicable. It has not been determinative in my findings on this main issue.

Other Matters

15. I have had regard to the social benefits of the proposal, including the provision of 16 additional residential care beds for which there is an identified ongoing need in the area. This is a matter to which I attach significant weight in light of the identified adult social care requirements and having regard to saved Policy SD1 of the SDLPR, which seeks to ensure that development contributes towards ensuring a better quality of life for everyone, including through meeting economic and social objectives. In this respect, I also note that the proposal would result in additional employment generation at Elm Lea of

around 6 full time equivalent jobs. However, I consider that the harm arising to the character and appearance of the area would be very significant for the reasons set out, and that this harm would clearly outweigh the social and economic benefits that the proposal would bring.

Conclusion

16. While I have found no significant harm in relation to highway safety, I have identified harm in relation to the character and appearance of the area which is sufficient to outweigh the social and economic benefits of this scheme. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR