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## Appeal Decision

Site visit made on 6 June 2017

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 29 June 2017**

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**Appeal Ref: APP/W1525/W/17/3170887**

**Southborough Care Home, 9-11 Southborough Road, Chelmsford CM2 OAG**

- 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 Nicola Gardener against the decision of Chelmsford City Council.
  - The application Ref 16/01318/FUL, dated 17 July 2016, was refused by notice dated 23 December 2016.
  - The development proposed is multiple extensions including a single storey side and rear extension, front facing dormers and second floor extension in addition to annex extensions.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. During the determination of the planning application, the Council accepted amended plans revising the design of an extended annex building, reducing the roof ridge and eaves height of the second floor extension to the main building, together with the repositioning of second floor windows and solar panels. The appeal has been considered on this basis.

### Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of 114 and 115 Moulsham Street, having regard to outlook and privacy.

### Reasons

#### *Character and appearance*

4. The appeal site comprises two former semi-detached dwellings fronting onto Southborough Road which have been converted into a nursing home for elderly people. There is also a more modern single storey building adjacent to a property known as the Berries on York Road. The rest of the site includes communal garden and parking areas.
  5. Despite new windows and doors, the converted building has retained much of its original Edwardian character and appearance, with attractive architectural detailing including bays, porches, decorative timber gables and eaves. It has been designed with two storey bays and a subservient rear projection slightly lower in height than the frontage. Together with the retention of many of its
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- original Edwardian features, this results in a building with an attractive and not overly dominant presence within the area.
6. The surrounding area comprises mainly two storey residential development. There are some three storey developments on Moulsham Street but they mainly relate to extended dwellings and are sited on lower ground than the appeal site. One such development is Moulsham Home, another care home, which has been extended to the rear, and lies adjacent to the appeal site.
  7. The proposal would result in an additional storey of accommodation to the main nursing home building which would result in a significant increase in roof and eaves height of the rear two storey projection, as well as two new frontage (Southborough Road) dormers. The existing rear dual pitched roof would be replaced with a new crown roof with a flat roof disguised by a perimeter pitched roof. The high eaves would result in extensive and visually imposing and elevated expanses of facing brickwork with little design articulation. This would appear visually awkward with the frontage part of the building, with its lower roof eaves. Consequently, the second floor extension would appear bulky and dominant, and would overwhelm the building's more modest and refined existing proportions, and detailing.
  8. There are no local or statutory character and appearance designations, including heritage assets, that apply to the site or surrounding area. However a core planning principle of the National Planning Policy Framework (the Framework) is that planning should always seek to secure high quality design. Furthermore, it states that planning decisions should amongst other matters, aim to respond to local character and history, and reflect the identity of local surroundings, and be visually attractive as a result of good architecture. The rear extension would fail to respect the attractive character and appearance of the building or be visually attractive as a result of good architecture. The resulting adverse impact would be noticeable from public vantage points along Southborough Road and York Road.
  9. The principle of care home development is accepted in built-up areas by policy DC35 of the Council's Core Strategy and Development Control Policies Development Plan Document (DPD) (Focussed Review) 2013 but here the development would harm the character and appearance of the surrounding area for the reasons indicated. Accordingly, the proposal would be contrary to policy DC45 of the DPD, which amongst other matters, requires that planning permission should only be granted to new buildings and extensions to existing buildings, provided that they are well designed in themselves and that the siting, scale, form and detail of the proposed buildings would have an appropriate visual relationship with the character and appearance of the surrounding area.

#### *Living conditions*

10. The neighbouring dwellings and associated gardens at 114 and 115 Moulsham Street would back onto the extended flank of the main converted building.
11. There would be an increase in facing brickwork at second floor level and a roof above facing these neighbouring properties which are sited at a lower level. However, the extended building would be set back from the rear boundaries of these properties. It would also be a significant distance back from the dwellings themselves on these properties by reason of their considerable

garden depths. The side extended part of the nursing home would only affect small parts of these properties' rear garden areas which are substantial in overall area. Therefore, there would not be any significant loss of outlook.

12. There would be two second floor windows with the extended flank part of the building. One window would serve an ensuite toilet which could be conditioned to be obscure glazed whilst the other would serve a bedroom that would face mainly onto a car parking and turning area of Moulsham Home (117 Moulsham Street). There would be oblique views from it across to the gardens of Nos. 114 and 115 and a significant separation distance between the bedroom window and the neighbouring dwellings. Whilst there would be additional windows, there would be no material increase in overlooking perception for these neighbours given the numbers of ground and first floor windows already existing on the building. For all these reasons, there would be no significant overlooking of these neighbouring properties.
13. In conclusion, the development would not harm the living conditions of nearby residents by reason of loss of outlook and privacy. Accordingly, the proposal would comply with policy DC4 of the DPD, which amongst other matters, seeks to protect existing amenity and states that all development proposals should safeguard the amenities of the occupiers of nearby properties by ensuring that development would not adversely prejudice outlook and privacy.

#### *Other matters*

14. The proposal would increase the capacity of the care home and number of residents, which would provide accommodation for people meeting a need within the city. The development would also be in an urban location with good access to facilities and services. However, the Council has suggested that there may be other ways of providing further accommodation in a satisfactory manner. Whilst this might not accommodate the same number of residents, it does indicate to me that there could be other ways to develop the care home for additional residents. The identified harm to the character and appearance of the area would be significant for the reasons indicated, and permanent for the duration of the lifetime of the development. Given this, this consideration of additional accommodation provision for residents would not override the identified harm.
15. The Appellant has criticised the Council's 'minimal change' approach but as I have indicated, the Council has indicated that there may be other ways of providing additional accommodation on this site. Moreover, the Framework indicates that the government attaches great importance to the design of the built environment and in this instance, my findings support the Council's design position on this scheme.
16. The extensions to the annex building would not harm the character and appearance of the area because the resulting two storey building visually assimilates into York Road streetscene consisting of similar scaled buildings. This part of the development has not been considered separately because it is unclear whether this facility for additional staff accommodation is functionally linked to the resident's accommodation extensions to the care home. Additionally, the Appellant has not requested separate consideration of this part of the development.

## **Conclusion**

17. The proposal would harm the character and appearance of the area and would be contrary to policy DC45 of the DPD, and the development plan as a whole. There would be no harm to the living conditions of nearby residents complying with policy DC4 of the DPD, and the proposal would comply with many technical requirements, such as sustainable housing design and car parking, in accordance with DPD policies. However, the absence of harm and other policy conflict does not remove the overall development plan conflict identified. There are no material considerations that indicate a decision should be made other than in accordance with the development plan and permission should be refused.
18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR