The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2019

by A Spencer-Peet BSc (Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/Q3115/W/19/3226857
Eastfield House Care Home, Eastfield Lane, Whitchurch-on-Thames, Reading RG8 7EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ross Healthcare Ltd against the decision of South Oxfordshire District Council.
- The application Ref P18/S2965/O, dated 31 August 2018, was refused by notice dated 17 January 2019.
- The development proposed is described as the proposed demolition of existing care home, construction of new care home and associated works – outline with the matters of landscaping being reserved.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline permission with landscaping matters reserved. I have determined the appeal on this basis.

3. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Background and Main Issues

4. The appeal site has an extensive planning history. Planning permission was granted under appeal[1] in May 2016 for the demolition of the pre-existing buildings other than the retained front façade of Eastfield House. Furthermore, outline planning permission for partial demolition of the care home and its extension to provide 45 bedrooms was permitted in September 2016[2].

5. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (the AONB) and within the Whitchurch-on-Thames Conservation Area (the Conservation Area).

[1] Appeal Reference: APP/Q3115/W/15/3140885
[2] Planning Application Reference: P16/S2399/O

6. The main issues in this appeal are:

    - Whether the proposed development would preserve or enhance the character or appearance of the Conservation Area; and,
    - The effect of the proposed development on trees protected by a Tree Preservation Order.

Reasons

The Conservation Area

7. The existing building at the appeal site is a substantial nineteenth century house predominately constructed of red brick and stone, with a wide frontage and set within a generously sized plot. The building is set back from the highway behind a large front garden and wide sweeping driveway. To the rear of the main building are located a number of outbuildings of more modern construction.

8. The Conservation Area covers much of the area close to the High Street of Whitchurch-on-Thames, with the appeal site being located on Eastfield Lane towards the edge of the Conservation Area. Eastfield Lane and this section of the Conservation Area is characterised by well-proportioned dwellings which stand within generous grounds and which is, by reason of the mature vegetation and low density of housing, verdant and spacious in nature and appearance.

9. The significance of Eastfield House to the Conservation Area lies in part due to its position marking the eastern boundary of the historic core of the settlement and in the way in which it demonstrates a phase of development, within Whitchurch-on-Thames, during the nineteenth century. Whilst there is some vegetation growing on the outside of the front of the existing building, the materials do not appear to have deteriorated to any significant degree and, overall, the existing building contributes positively to the character and appearance of the Conservation Area.

10. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision. Policy CSEN3 of the South Oxfordshire Core Strategy (2012) (the Core Strategy) is reflective of this statutory duty and provides that designated assets such as Conservation Areas, will be conserved and enhanced for their historic significance.

11. The evidence before me confirms that Eastfield House is not a Listed Building. However, the appeal property, by reason of its historic character and appearance is considered to be a non-designated heritage asset. The proposal would seek to demolish the entire existing care home. Whilst the building is not a designated heritage asset itself, it does make a positive contribution to the character and appearance of the Conservation Area as described above.

12. Paragraph 193 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification in line with paragraph 194 of the Framework.

13. In terms of the Framework, I concur with the Council Officer's assessment following consultation with their heritage specialists and conclude that the proposed demolition of the existing building including the façade would lead to less than substantial harm to the Conservation Area. Accordingly, this harm should be weighed against the public benefits of the scheme, including securing optimum viable use, in line with paragraph 196 of the Framework.

14. In addition to the short term economic benefits which would arise during the construction of the appeal scheme, the proposal would further provide employment opportunities and the provision of a care home. In accordance with the evidence submitted in support of this appeal, there is an undeniable shortfall of care homes both nationally and locally.

15. However, there is no evidence before me to suggest that suitable sites for provision of care homes within the District do not exist elsewhere, and in locations where the total loss of an existing building would not result in harm to the character and appearance of a Conservation Area. This limits the weight that can be attached to this consideration in the determination of the appeal and, in my view, would not outweigh the less than substantial harm to the Conservation Area.

16. The site currently benefits from permission to redevelop the appeal property to provide a 45 bed care home, whilst retaining the existing façade. It has been put to me by the Appellant that, following an assessment and viability appraisal, the previously consented scheme is not viable and would not come forward. Subsequently, it is maintained that changes to the layout of the building, which would include the removal and replacement of the façade of the building, would be required in order to make the proposed use as a care home financially viable.

17. Whilst I acknowledge the supporting evidence and conclusions with regards to the viability of the respective schemes as provided by a firm with experience within this sector, the viability assessment specifically and expressly confirms that other alternative viable uses for the appeal site could be possible. Consequently, this limits the weight to be attached to securing optimum viable use when weighing the benefits of the scheme against the harm to the character and appearance of the Conservation Area.

18. For the above reasons, I find that the appeal scheme would not preserve or enhance the character or appearance of the Conservation Area, causing less than substantial harm to the significance of this designated heritage asset.

19. In the absence of benefits which individually or cumulatively outweigh this harm to the Conservation Area, the proposal would be in conflict with Policies CSEN3 and CSQ3 of the Core Strategy which, amongst other things, requires that development conserves and enhances the significance and setting of the Conservation Area and respects the character of the surrounding historic environment of the Conservation Area. The proposal would also conflict with Policy CON7 of the South Oxfordshire Local Plan (2011) (the Local Plan) which provides that development which would be harmful to the character and appearance of the Conservation Area will not be permitted.

Effect on Trees

20. Concerns have been raised by the Council's Officers that the appeal scheme would have a harmful effect on two protected Lime trees. The evidence before me indicates that the Lime Trees are category A trees being of the highest arboricultural value. From observations made on my site visit and in light of the evidence submitted in this appeal, I consider that these trees make a positive contribution towards the character and appearance of the surrounding area, due to their position, maturity and stature.

21. Whilst the two protected Lime trees would be retained by the appeal scheme, the proposed development would result in a building that would be located closer to these trees than the care home which was previously granted planning permission in September 2016. Subsequently, the proposal would require that the canopies of these protected trees be substantially cut back in order to accommodate the proposed care home within the appeal site.

22. Whilst I acknowledge the findings of the Appellant's Arboricultural Consultant, in my view the significant reduction in the size of the canopies of the Lime trees would result in an unbalanced appearance of these important mature trees and, due to the substantial cutting back that would be required, I conclude that the proposed works go beyond marginally affecting the protected trees and would unacceptably threaten their health and longevity.

23. Furthermore, given the proximity of the protected trees to the external structure of the proposed building under this appeal scheme, it is possible and likely that future owners and occupiers would apply pressure to have these trees lopped, topped or even removed to improve outlook and light and to avoid nuisance and damage caused by falling leaves and other debris from the trees.

24. Accordingly, by reason of the likelihood that these trees would need to be lopped, topped or removed in the future, there is an increased risk that the positive contribution made by these trees could be lost entirely if the appeal proposal were to proceed. Whilst I acknowledge that these trees are subject to a Tree Protection Order, the increased pressure to cut back the trees due to falling debris, would undermine the purpose of the Tree Preservation Order designation.

25. I therefore conclude that, by reason of the significant cut back needed to accommodate the proposed building within the appeal site and due to the likely increased pressure to have them removed in the future, the proposed development would unacceptably threaten the future health and longevity of the protected Lime trees. The proposal would therefore conflict with Policy CSEN1 of the Core Strategy and Policies C9 and G2 of the Local Plan and the requirements of the Framework.

Other Matters

26. Interested parties have raised additional objections to the proposal regarding the effect of the appeal scheme on: the landscape and scenic beauty of the AONB, the living conditions of nearby residents in terms of privacy, flooding and the impact on highway safety with regards to traffic.

27. These are important matters and I have considered all the evidence before me. However, given my findings in relation to the main issues, these are not matters which have been critical to my decision.

Conclusions

28. For the reasons given above, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR