



Appeal Decision

Site visit made on 10 September 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2019

Appeal Ref: APP/V1260/W/19/3230775

Regency Manor Care Home, 16 - 17 Blair Avenue, Poole, BH14 0DA

- 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 K Gunpath, Luxurycare Group Limited against the decision of Poole Council.
 - The application Ref APP/18/01201/F, dated 7 September 2018, was refused by notice dated 13 December 2018.
 - The development proposed is alterations and extensions from a 69 no. bedroom care home to 96 no. bedroom care home.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, Borough of Poole Council merged with Bournemouth Borough Council and Christchurch Borough Council to become a Unitary Authority, Bournemouth, Christchurch and Poole (BCP) Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area within the BCP authority which they relate to,. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved borough council.
3. Amongst other aspects, the appeal proposal would involve extensions to the existing care home building to increase the number of bedrooms from 69 to 96. The evidence before me indicates that planning permission Ref APP/17/01544/F was granted by the Council in 2018 for alterations and extensions to form an additional 15 care home bedrooms at the site. The plans approved for that permission show extensions to the same part of the building as the appeal proposal. However, it has been put to me that the cost and disturbance to the business of extending the care home by 15 bedrooms makes it unviable. I therefore do not have reasonable certainty that the approved scheme, although still extant, would be implemented if the appeal fails. Accordingly, although the approved scheme is a material consideration, I place limited weight on it and have assessed the appeal proposal against the existing situation rather than against the approved scheme.
4. The National Planning Policy Framework (the Framework) was revised in February 2019. However, as the Framework's policies that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

5. The main issues are the effect of the proposed development on:
- the character and appearance of the surrounding area; and
 - the living conditions of adjoining occupiers.

Reasons

Character and appearance

6. The appeal site contains a substantial building in an L-shaped footprint. One wing of the building is four storeys (the western wing), with the upper floor partly within the roof space. The eastern wing, where the proposed extensions would occur, is one-three storeys on split levels. The site is partly level and partly slopes down from the north-east to the south-west, and the building straddles this change in levels. The surrounding area has a relatively verdant and spacious character. Largely residential, it generally contains two-storey dwellings, some with roof accommodation, in relatively modest plots fronting Mansfield Avenue and much of Blair Avenue, along with a few larger buildings in bigger plots. The latter includes the two-three storey buildings nearest to the site on Blair Avenue, Nos 15 and 18, and 65 Castle Hill located on lower ground to the south. Despite the presence of these larger buildings and the screening of surrounding trees, the building on the site is notable for its significantly greater overall mass and scale. I observed on my site visit that its position in relation to topography also serves to emphasise its scale, mass and presence in the surrounding area, including from Blair Avenue and from the side and rear of the site where the land falls away. The eastern wing's lower height does however act as a transition to surrounding built form, provides glimpses of surrounding trees and contributes to the area's openness.
7. The proposed extensions would bring the eastern wing up to a similar height as the western wing. This would significantly increase the overall scale, mass, bulk and presence of the building. The extensions would remove the transition that the eastern wing currently provides to smaller-scale properties in the locality. The additional height would also reduce views of some surrounding trees and reduce the sense of openness which the eastern wing currently provides. The development would therefore result in a building with an unacceptably dominating presence and which would be experienced as an incongruous feature in the locality.
8. There are some relatively large buildings nearby. However, the existing building on the site has a notably greater footprint and scale than 15 and 18 Blair Avenue, and the size of 65 Castle Hill is moderated by its position below the site. The development would appear significant even in relation to these buildings. In coming to this view, I have also taken account of: the design intent for the link element to break up the visual mass of the building; the building not necessarily being read as forming part of a continuous streetscene; the retaining of existing trees and surrounding trees limiting views of the site; the building's footprint being largely unaltered; and the Council not necessarily considering the extension would create a tall building within the scope of the Poole Local Plan (PLP) Policy PP29.
9. I recognise that the approved scheme increases the height of the eastern wing and that the Council considered that that increase was acceptable. However, its

additional height would not be as significant as the proposed development. By stepping down towards the end of the eastern wing, the approved scheme also continues to provide a transition to surrounding built form. The approved scheme and the appeal proposal are therefore not particularly comparable.

10. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with PLP Policies PP27 and PP28. Amongst other aspects, these set out that development will be permitted where it reflects the visual impact, height and bulk of surrounding buildings and is in keeping with their scale and massing. These policies appear to be broadly consistent with the provisions in the Framework relating to achieving well-designed places.

Living conditions

11. The orientation of 18 Blair Avenue means that its closest windows facing the site are angled slightly towards the side of the eastern wing of the care home and the rear of the site. There would be a reasonable distance between those windows and the proposed extensions and its new windows. Garages and a parking area are also situated between No 18 and the site.
12. 10 Mansfield Avenue does not face the appeal site. There is a reasonable distance between it and the eastern wing. I observed on my site visit that the retained mature trees on the appeal site and soft landscaping near the shared boundary provide significant screening between the eastern wing and No 10.
13. 65 Castle Hill is on lower ground than the site and part of it faces towards the eastern wing. However, there is a considerable separation distance which includes a parking courtyard and the site's rear garden area. The retained mature trees also provide significant screening between No 65 and the site.
14. There is a reasonable distance between the proposed extensions and 15 Castle Hill, whose orientation means that it does not directly face the eastern wing. I observed on my site visit that the car park on the site provides further separation and despite the felled tree at No 15, there is relatively significant screening between No 15's garden area and the eastern wing due to other existing trees and boundary treatment.
15. Due to separation distances, orientations and existing screening, the additional height of the eastern wing would not significantly reduce the amount of daylight, sunlight and outlook of adjoining properties. The development would lead to an increase in the number of residents at the care home and some additional staff would therefore be required. New residents would have views out towards adjoining plots from the new bedroom windows and would also be likely to wish to use the site's outside spaces. The extended care home could therefore involve overlooking and disturbance to adjoining occupiers.
16. However, the existing situation includes some windows serving habitable rooms which face towards adjoining plots and the current situation allows for existing residents to use the site's various outside spaces and includes staff working at the site. This is also a residential area with several properties located in relatively close proximity. As such, a certain degree of overlooking and activity in outside spaces would not be unusual, while separation distances and screening indicates that additional overlooking would not be significant. It seems to me that the increase in staff numbers and servicing requirements

would also not be so substantial so as to cause significant additional disturbance. Furthermore, the care home use of the site and its topography would, to a certain extent, be likely to limit residents' use of outside spaces. The development would therefore also not lead to a significant increase in disturbance compared to the existing situation.

17. My attention has been drawn to disturbance caused to neighbours by the existing air conditioning for the building's kitchen and other activities within the care home. However, I have little substantive evidence that the development would involve any significant changes to these. These matters are therefore not determinative as to the acceptability of the appeal proposal.
18. For the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers. I therefore find that it accords with PLP Policy 27 with respect to its requirements for development not resulting in a harmful impact upon the amenity of local residents. This policy appears to be broadly consistent with the provisions in the Framework relating to achieving a good standard of amenity for existing users.

Other matters

19. The Housing Delivery Test results show that there has been a shortfall in housing delivery over the past three years in the area that was covered by the now dissolved borough council and where the site is within. In line with the Framework, a 20% housing land supply buffer is therefore necessary. However, the Council have set out that they can demonstrate a five year housing land supply and have an up-to-date local plan. The appellant has not contested this and I have little substantive evidence indicating that this is not the case. The development plan policies that I have found a conflict with also relate to the quality of development and the surrounding environment rather than strictly to the supply of housing. I consider that these policies are broadly consistent with the Framework and are not out-of-date when regard is paid to the provisions of paragraph 11d) of the Framework. Accordingly, the tilted balance set out in paragraph 11d) is not triggered and I consider that there is no reason why the development plan policies that are most important for the determination of this appeal should not, in this instance, be accorded substantial weight.

Planning Balance

20. The appellant has indicated that the approved scheme, delivering fewer beds than the appeal proposal, is not viable. Accordingly, I have assessed the appeal proposal and its benefits against the existing situation rather than only on the uplift in bed spaces between the approved scheme and the appeal proposal.
21. The development would add to the supply of housing, and specifically care home bed spaces. The evidence before me indicates that these are needed in the area, and I note that the Society for Poole support the development on this basis. Relating to housing for an ageing population, my attention has also been drawn to PLP Policy PP12 which, amongst other aspects, sets out that the Council will meet the need for care home bed spaces by allowing for extensions to nursing homes. By extending the existing building, the development would provide additional care home bed spaces. This weighs in support of the appeal proposal.

22. The evidence before me indicates that the PLP identifies the need for a minimum net increase of 816 bed spaces in care homes between 2015-2033, with 472 in the period 2015-2025, and that half of the new bed spaces will be achieved through windfall development. In relation to this, my attention has been drawn to an extract of the 'Borough of Poole Older People Nursing and Residential Care Home Strategic Review'. Covering supply and demand, it highlights the issues of care home closures and lack of new development, and the appellant sets out that it suggests that there is little cause for optimism that windfall development, such as the appeal proposal, is likely to account for a net increase in bed spaces. However, the evidence before me indicates that this does not reflect the latest situation. It was also published in 2016, before the PLP was adopted. I therefore place limited weight on it.
23. The development would provide 27 additional care home bed spaces. However, in the context of the overall net increase required over the plan period, this contribution would be limited. The development would also provide some other benefits, including from employment opportunities during construction and in the expanded care home, and the increased availability of additional care accommodation in the locality and in an area with various services, facilities and public transport options. However, these benefits would be limited given the scale of the development.
24. Accordingly, and although I give significant weight to the provision of additional care home bed spaces, I consider that the social and economic benefits associated with the development would be limited and would not outweigh the harm that I have identified. The harm arising from the development also indicates that it would not make effective use of land. Even if the policies that are most important for the determination of this appeal are considered to be out-of-date and relate to housing supply, which I consider they do not, I find that the adverse impacts of the development would significantly and demonstrably outweigh its limited benefits when assessed against the policies in this Framework taken as a whole.

Conclusion

25. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR