The Planning Inspectorate

Appeal Decision

Site visit made on 17 December 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Appeal Ref: APP/B3410/W/19/3238757
43-44 Croft Nursing Home, Main Street, Stapenhill, Burton-on-Trent, DE15 9AR

- 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 Hiten Shangavi, Monarch Health Care Ltd, against the decision of East Staffordshire Borough Council.
- The application Ref P/2019/00130, dated 23 January 2019, was refused by notice dated 11 April 2019.
- The development proposed is described as demolish part of existing lounge and erect two-storey extension to existing nursing home.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposed development on the host property, street scene and character and appearance of the area, including
   - the effect of the proposed development on a protected Silver Birch tree.

Reasons

3. The site is located towards the southern end of Main Street, which extends north to a roundabout linking it with the main roads surrounding Stapenhill. Main Street, Rosliston Road and the other streets close to the site are characterised by residential properties interspersed with community facilities, such as the residential care home the subject of this appeal, a church, a health centre, a few public houses and social club, some small retail outlets, a take-away, café and a bowling green.

4. The dwellings are mainly two-storey, detached and terraced properties, of varying architectural styles and sizes, constructed of a mixed palette of materials. The appeal building is one of the larger buildings in the area, along with another care home and a Church on Main Street, and a Health Centre on Hill Street. The space between the buildings varies, but in the main there are no significant gaps between them, the 2 main exceptions being the space between the appeal building and the neighbouring dwelling to the south, 1 Rosliston Road, and the gap between the buildings either side of the bowling green.

5. The site comprises a two-storey building orientated such that its front elevation faces south, and its western side elevation faces the road. There is a grass verge between the side elevation and the road with 3 trees in it. Access is taken from where Main Road meets Rosliston Road, at the south-western corner of the site. The route to the main car parking area located towards the rear, south-eastern corner of the site, wends its way past the front of the building and past a raised piece of outdoor amenity land. This land is grassed over and has some trees located within it, in particular a protected Silver Birch. The trees and the grassed area make a positive contribution to the street scene, providing a green gap between the southern-facing elevation of the building and the north-facing elevation of the neighbouring property, 1 Rosliston Road. This grassed area and trees also screen the main car parking area.

6. The proposed two-storey extension, at around two-thirds the depth of the original building and virtually its full width, would be a substantial addition in terms of its size, scale and mass. I note that the building has already been significantly extended. The proposal would remove the existing front elevation, which has a centralised main entrance door with surrounding stonework, brickwork and glazed panels, extending up through the first-floor to the eaves. There are also 2 large windows at ground-floor level with decorative brickwork surrounds.

7. The replacement elevation would consist of a fairly-blank mass of brickwork with a narrow door and 2 small window openings. Hence, the existing front elevation to the building, which provides the building's positive relationship with the street scene, all-be-it positioned at 90 degrees to it, would be replaced with an elevation that would disconnect the building from relating positively with the street scene. The design of the southern elevation, along with the size of the proposed extension, combined with the existing extensions, would also prevent the original building being readily perceived.

8. The conservatory and decked area at the front would be removed to accommodate the proposed extension and 2 on-site parking spaces. The grassed land and trees between the access and the main car parking area would be removed, along with the protected Birch Tree and other trees located within it. The land would be re-graded and a new drive would be created to the main car parking area. The green gap between the southern-facing elevation of the building and the north-facing elevation of the neighbouring property, 1 Rosliston Road, which provides some relief from built form along the road, would be lost. No information has been provided to suggest the protected Birch tree is in poor health, has lost its intrinsic visual amenity value or is causing harm to the structural integrity of the building.

9. Due to the factors described above, I conclude that the proposed development would be harmful to the appearance of the host property, have a detrimental impact on the street scene and would therefore be harmful to the character and appearance of the area.

10. Consequently, the proposal would not accord with policies SP1 and SP24 of the East Staffordshire Borough Council Local Plan 2012-2031 (2015) (LP), Policy SH3 of the Stapenhill Neighbourhood Development Plan 2015-2031 (2016), guidance in the East Staffordshire Design Guide Supplementary Planning Document (2009) (SPD) and the design policies in the National Planning Policy

Framework (the Framework). These policies and guidance require, among other things, development to: demonstrate the principles of sustainable development, be of high quality design, integrate with the character of the townscape, contribute positively to the area, be sympathetic to and reinforce local character and improve the quality of design across the Borough.

11. Additionally, the proposal would not accord with Policy DP8 of the LP, which only allows protected trees to be felled where either: the tree is in poor health and/or has lost its intrinsic visual amenity value; or the tree is causing demonstrable harm to the structural integrity of the building and cannot be remedied by reasonable means.

Other Matters

12. The appellant has outlined other considerations in support of the proposal. Thus, the proposal would provide additional specialist accommodation, in the local community, to meet the growing need for accommodation for sufferers of dementia/Alzheimer's. The proposal would also provide additional employment opportunities and provide economic benefits by helping to grow and sustain the business. These considerations weigh in favour of the proposal, to which I attach moderate weight.

13. The proposal includes some replacement tree planting to act as mitigation against the removal of some trees, including the protected Silver Birch. However, wherever such trees may be planted within the site, they are unlikely to be able to provide the quality of visual amenity provided by the mature, protected Silver Birch.

14. The previous planning approvals on the site, which were for the same development as the current proposal, are also a material consideration. Although I have not been provided with copies of the relevant policies of the development plan against which the previous applications were assessed, the appellant suggests that the current relevant LP policies do not fundamentally differ to those that previously applied. However, irrespective of any argument regarding previous policies, I now must determine the proposal against the current development plan and Framework, and I have found that the proposal does not accord with the current development plan or the Framework. As the permissions are not extant, I attach limited weight to them.

15. Having taken account of other considerations I conclude that they do not, either individually or collectively, overcome the harm I have identified in respect of character and appearance of the area, including the loss of the protected Silver Birch tree.

Conclusion

16. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson
INSPECTOR