



Appeal Decision

Site visit made on 9 March 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/G2815/W/19/3242320

2 Essex Road, Rushden NN10 0LG

- 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 Freddy Collman of Kingly Care Partnership against the decision of East Northants District Council.
 - The application Ref 19/00784/FUL, dated 25 April 2019, was refused by notice dated 4 October 2019.
 - The development proposed is the demolition of a detached two storey outbuilding; the extension of existing 8 bedroom Care Home to create 8 additional bedroom suites with ancillary facilities and parking for 13 cars.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A late representation was submitted by a third party in relation to this appeal, which I exceptionally agreed to consider, given the circumstances. The main parties were given the opportunity to comment on this late representation and I have had regard to all comments made in determining this appeal.
3. The proposed development is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (UNVGPSA). In determining this appeal, I am the *competent authority* identified at Section 7(1)(c) of the Conservation of Habitats and Species Regulations 2017 (the Regulations). I shall return to this matter later in my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area
 - The living conditions of current and future occupiers, with particular regard to outdoor amenity space.

Reasons

Character and appearance

5. The appeal building is located within a predominantly residential area containing a mix of dwelling sizes, types and designs, with mature landscaping both in private gardens and the public realm. It was originally a 2-storey,

detached brick dwelling, which has been significantly enlarged by an extension along Park Road, set forward from the original building. This extension is 2-storeys in height with a pitched roof, the ridgeline of which is higher than the ridgeline of the original building.

6. A brick boundary wall, augmented in places by timber panel fencing and a hedge, largely surrounds the site, with some brick outbuildings and a gateway by Essex Road. To the rear of the building is a hard-surfaced/gravelled area, with a larger, maturely landscaped private amenity space beyond.
7. The building is currently used as an 8-bedroomed residential care home. The appeal development would entail the demolition of the existing outbuildings and the erection of two further extensions. This would provide eight additional bedrooms and a number of additional rooms, a net increase of internal floorspace of some 355sqm or 64%. The remaining rear area would be converted into car parking spaces for 13 vehicles.
8. There is no dispute between the parties regarding the visual impact of the proposed northern extension by Essex Road, the design, height and massing of which would be subservient to the original building.
9. However, the proposed southern extension, by Park Road and extending to the rear, would be of a considerably larger scale. It would be attached to the existing 2-storey extension, continuing its roof ridgeline and eaves and ending in a part-hipped roof at the southern end, close to the site boundary by Devon Walk.
10. To the rear, a first floor extension would project over part of the proposed car parking area on support columns, set back a short distance from the southern end of the building. This would have a hipped roof with a flat crown, which would be lower than the height of the main roof of the extension.
11. Park Road contains a variety of different building designs and sizes including bungalows, 2-storey dwellings and 2-3 storey townhouses and flats. Nevertheless, the height, massing and position of the proposed southern extension would be an over-dominant addition to an already significantly extended building. It would be readily visible from Park Road, near to the smaller-scale modern flat development by Devon Walk.
12. Whilst the existing boundary walls and fencing around the site would be retained, together with some of the hedges, many of the semi-mature trees and bushes, which currently provide some screening in views from the south, would be removed. The visual impact of the proposal would be further accentuated by the sloping topography of the area, resulting in an unduly prominent feature that would be detrimental to the streetscene.
13. For these reasons the proposed development would be harmful to the character and appearance of the area. It would, therefore, conflict with Policy 8 (Place Shaping Principles) of the North Northamptonshire Joint Core Strategy 2016 (NNJCS), which seeks to promote distinctive local character in new development, and with Paragraph 130 of the National Planning Policy Framework 2019 (the Framework), which seeks to deliver well-designed places.

Living Conditions

14. The rear amenity space at the property has many of the characteristics of a large domestic garden. In addition to a gravelled area suitable for limited car parking, it includes a detached timber shelter and various benches, together with a lawn. A number of semi-mature and mature trees, bushes and hedges are to be found there, supplemented by shrubs and border plants.
15. The proposed development would see the lawn and most of the existing vegetation removed. The submitted drawings show that some new planting would be provided around part of the edge of the proposed car park, and that the existing boundary hedge by Devon Walk would be retained, along with the fence. However, there would still be a significant net loss of vegetation at the property.
16. The raised area of timber decking to the front of the building, at the junction of Essex Road and Park Road, would be unaffected by the proposed development and would be the sole area of private outdoor amenity space for the expanded use.
17. I note the appellant's comments that the rear amenity space is currently under-used, and that the nature of the residents' conditions means that they are unable to adequately utilise external amenity space as part of their care. The submitted evidence is unclear in this regard, with the Design and Access Statement (DAS) noting that a fenced garden would be provided for residents' use. The DAS also states that mature boundary trees and hedging would be retained, which is only partly correct.
18. Limited information is provided with regard to the conditions of the residents, their treatment and rehabilitation, and what amenity space provision would be needed for them. It is not clear to me that residents could not derive benefit from pleasant outdoor amenity space, particularly during summer months, and I also note that the timber decking area would be retained, in part, for this purpose.
19. The proposed development would double the number of residents at the property. Whilst some new indoor amenity space would be provided for residents, this would be significantly less than the outdoor space that would be lost.
20. Furthermore, the outlook from the building over a landscaped garden area would be more likely to be conducive to the general well-being of residents than views over a surface car park. It has not been demonstrated to my satisfaction that the loss of this outdoor amenity space would not adversely affect current or future occupiers.
21. I note the Council's comments regarding the potential needs of an alternative care home provider in terms of outdoor amenity space. The proposal, by removing almost all of the private amenity space at the property, could make it less suitable for an alternative provider. However, there is no evidence that the current user is seeking to vacate the site, and so I give this only limited weight.

22. On-street car parking provision is said to be a problem in this area. However, there are no on-street parking restrictions in the vicinity of the appeal site to address any such problems as may exist. The proposed development would expand the use of the property and provide more off-street parking spaces than exist at present. There would be an improved provision of spaces relative to the parking standards for Class C2 'Residential Institutions' than the existing¹. However, whilst many staff are said to walk to work, the provision is still significantly below that required by the County Council in their standards document. I therefore give this only limited weight.
23. For these reasons the proposed development would adversely affect the living conditions of current and future occupiers, with particular regard to outdoor amenity space. It would therefore conflict with Policy 8 of the NNJCS and with paragraph 127 f) of the Framework, which, amongst other things, seek to create places with good access to amenity space and which promote health and well-being.

Other Matters

24. As set out above, the proposed development would be within the zone of influence of the UNVGPSPA, and according to Natural England, would therefore be expected to contribute to recreational disturbance impacts to the bird populations for which the UNVGPSPA has been notified².
25. The Council disputes Natural England's assessment. With reference to the UNVGPSPA Supplementary Planning Document 2015 (SPD), the Council states that 'the proposal represents extensions of an existing C2 care home and as such, there is no increase in residential units, commonly identified as C3 dwellinghouses'.
26. The Town and Country Planning (Use Classes) Order 1987, as amended, defines a Class C2 use as a 'Residential Institution', which includes a range of different residential uses, such as care homes, nursing homes, boarding schools, or colleges, where people reside for periods of time. The appeal development would see a doubling of the number of bedrooms at the residential care home.
27. Regardless of this or the content of the SPD, with reference to the Regulations, the potential for likely significant effects cannot be excluded in this case. Consequently, if I was minded to allow the appeal, I would need to seek further information and undertake an appropriate assessment of the appeal development in relation to the UNVGPSPA³. However, as I am dismissing the appeal for other reasons, I do not need to consider these matters further.

Conclusion

28. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

¹ Northamptonshire Parking Standards September 2016, Northamptonshire County Council.

² Including Bitterns, Golden Plovers, Gadwalls, Great Crested Grebes, Wigeons, Tufted Ducks and Mute Swans.

³ Section 63(1) of the Regulations.