



Appeal Decision

Site visit made on 10 November 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 9th February 2021

Appeal Ref: APP/A0665/W/20/3256630

433-437 Chester Road, Hartford, Northwich CW8 2AG

- 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 J Parr (New Care (Hartford) Ltd) against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01734/FUL, dated 30 April 2019, was refused by notice dated 09 July 2020.
 - The development proposed is demolition of three houses and erection of a 69-bedroom Care Home (Use Class C2) and four detached houses (Use Class C3), with alterations to existing access points.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development in the application form is "demolition of three houses and erection of a 70-bedroom Care Home (Use Class C2) and five detached houses (Use Class C3), with alterations to existing access points." However, the Council accepted amended plans that reduced the number of beds and the number of houses. I have adopted the description of the development from the decision notice and the appeal form in the banner heading above, as this describes the scheme that was determined by the Council.
3. After the appeal was made, the appellant submitted a signed and dated Unilateral Undertaking (the UU). The Council has been provided with the opportunity to comment on it through the appeal process. Therefore, I have taken it into account in reaching my decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises 3 detached dwellings, 433-437 Chester Road, and their associated residential plots. The site is within the settlement boundary of the village of Hartford, which lies to the south-west of the nearby town of Northwich. The A559 Chester Road is a busy through route and, in this location on the outskirts of the village, it is flanked to either side by substantial

detached dwellings set back from the road behind mature and verdant front gardens. Nos 433-437 are not of particular architectural merit, but they are part of an elevated ribbon of residential properties. Irrespective of the variation in the sizes, styles and siting of properties, this part of Chester Road, juxtaposed between the countryside and the more densely developed core of the village, has a harmonious character and appearance and a locally distinctive and strong sense of place.

6. The 3 large plots of Nos 433-437 would be merged to form the very wide and very deep appeal site. While its height would be consistent with neighbouring dwellings, the care home would span nearly the entire width of the 3 residential plots. The resulting disproportionately wide front elevation and road frontage with its large parking court would be markedly out of step with, and it would not respect the rhythm and spacing of, surrounding properties and plots. The care home would also be considerably deeper than surrounding dwellings. In this regard, while the 4 dwellings to the rear of the site would be domestic in scale and therefore in keeping, the care home would be conspicuously out of scale with surrounding dwellings including those on Chester Road, Heyes Park and on the land to the rear.
7. In plan form, the care home would have an irregular shape with several interconnected blocks, resulting in the appearance of protruding wings staggered to either side of a central spine. The irregular form would be most pronounced to the front of the building where there would be a deep step in the principal elevation. Although the building would not be forward of 21 Heyes Park, the neighbouring dwelling is not read as part of the ribbon of properties of which the appeal site forms part. Consequently, rather than helping to integrate the proposal, the deep step in the front elevation would increase its visual impact. The building would be particularly dominant and conspicuous when travelling along Chester Road in the direction of Northwich.
8. The front elevation has been designed to have the appearance of 2 dwellings separated by a 2 storey glazed link. The link would have a lower ridge height than the building to either side and there would be a shallow set back from the parallel part of the front elevation, although this would not result in any significant degree of articulation of the façade. The glazing would be tinted and there would be solid internal walls to its rear at both ground and first floor. Therefore, while it would be a visual break in the frontage, it would appear solid rather than a lightweight link between detached buildings.
9. As illustrated, the front elevations to either side of the glazed section would be nearly identical in design with long unbroken ridgelines and matching gables. The regular design and spacing of the fenestration and the large number of glazed doors at ground floor level would result in a functional and uniform appearance. The different external finishes to walls and roofs would not be sufficient to create the appearance of 2 dwellings. The proposal would be read as a single building that would be overly large and visually obtrusive and it would not respect or respond positively to its surroundings.
10. Elsewhere, alternating sections of the outward-facing elevations would have repeating roof gables, different external finishes and slight depth changes in elevations. While this would create some visual interest, as with the frontage, the overall impression would be of a single substantially large and functional building. Moreover, even if the design and finish did successfully replicate the

appearance of a series of separate dwellings, residential terraces are not characteristic of this part of Hartford. The proposal would have an urbanising effect that would erode the character of the village.

11. The landscaping proposal for the frontage retains the roadside hedgerow and the large copper beech tree and it introduces medium-sized ornamental trees, shrub beds and hedges at the edges of the parking court and internal access road. The widened highway access points, including to accommodate footpaths either side of the care home access, would open up views of the frontage. The roadside and internal hedgerows maintained at 1.5-1.8m tall would only partly screen the large parking court, and the care home would be in an elevated position and therefore visible above the hedges. The copper beech tree would interrupt the outline of the building, although less so when trees are not in leaf. The ornamental trees would go some way towards maintaining the verdant street scene. However, the planting would not be effective in mitigating the adverse visual impact arising from the proposal.
12. I accept that the footprint of the care home and associated hardstanding would occupy slightly less than half of the area with amenity space and landscaping accounting for the remainder. Irrespective, on the basis of the plans including the landscape strategy and taking account of the scale and layout of the building, the impression would be of a substantial footprint and bulk of development. While the proportion of built development may compare favourably with care homes elsewhere, the limited information in relation to those schemes does not allow meaningful comparisons to be drawn such as would provide a justification for the proposal.
13. My attention has been drawn to a recent appeal decision¹ elsewhere relating to the demolition of 2 detached dwellings and the erection of a 60 bed care home. Both schemes involve large buildings with wide frontages interrupted by a central glazed section and the street scene in both cases is characterised by detached properties well set back from the road with mature front gardens. However, the surrounding context varies including in terms of the extent of development and significant vegetated areas. The schemes differ in terms of the width of the frontage relative to neighbouring properties. In that case, the glazed link is a lightweight structure, comprising a narrow corridor only at the upper floor, and it is deeply set back from the principal elevation. To either side, the front elevation differs not only in terms of external materials, but also its fenestration including bay windows. Despite the similarities, there are key differences and that scheme does not provide a justification for the proposal.
14. Therefore, the proposal would result in significant harm to the character and appearance of the area. It would conflict with the development plan, including Policies DM3 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Adopted July 2019 (the LP2), ENV6 of Cheshire West and Chester Council Local Plan Part One: Strategic Policies Adopted January 2015 and Policy BELD1 of Hartford's Neighbourhood Plan 2010-2030 Adopted March 2016. These require, among other things, that development respects the character and protects the visual amenity of the area; that it respects layout, urban grain, scale, massing, appearance and local distinctiveness and that it achieves a sense of place, reflecting the surrounding built environment and respecting its context.

¹ Ref APP/R0660/W/20/3249224

Other Considerations

15. The Council's locational development strategy seeks to direct development in accordance with the hierarchy of settlements. In this context, the town of Northwich, which includes adjacent settlements such as Hartford, is one of the main settlements and therefore a key focus for development. The appeal site is in an accessible location with regard to services, facilities and public transport. Therefore, as elsewhere in the settlement, the location is suitable for new residential development.
16. The Council's Strategic Housing Market Assessment identifies the ageing population in the area as a significant issue. Consequently, in the context of the overall housing need, the Council supports the delivery of a mix of housing types, tenures and sizes to address the needs of local areas and particular groups of the community including the elderly. Policy DM26 of the LP2 specifically supports proposals for specialist accommodation including elderly care beds, subject to meeting the requirements of relevant development plan policies. This is consistent with the Government's objectives in relation to addressing the needs of groups with specific housing requirements as part of the overall strategy to significantly boost the supply of homes.
17. The proposed care home would provide 69 standard care beds, suitable for general residential care, nursing care and dementia care. The submitted elderly bed planning needs assessment calculates that there is a shortfall of at least 225 market standard bed spaces in the catchment area in 2021, rising to 457 by 2031. On this basis, the proposal would make a significant contribution towards meeting this demand. However, the assessment of need is based on market standard bedrooms rather than on total registered capacity and it is not clear that the assessment in any case took account of all relevant applications for C2 elderly care. There was no engagement with the Council's adult social care team during the preparation of the needs assessment, nor am I aware that it has subsequently reviewed or confirmed the conclusions in relation to the need for elderly accommodation in the area.
18. The Council is able to demonstrate in excess of a 5 year housing land supply. Nevertheless, the 69 care beds and the release of perhaps 30 market dwellings are matters that carry some weight in favour of the scheme, although there is little to suggest that similar benefits could not be delivered by alternative proposals including in terms of scale, layout, appearance or location. The evidence indicates that the proposal would make a significant contribution to the local economy during construction, but there is little substantive evidence in this regard and the benefits would be primarily short-term. The operation of the care home would result in between 60-80 employment opportunities, although no types or tenures are specified. Nevertheless, these matters weigh in favour of the scheme.
19. The demolition of No 435 would result in the loss of a bat roost. The proposal would result in a breach of the Conservation of Habitats and Species Regulations 2017 (as amended) unless a protected species licence was issued. Mitigation is proposed in the form of replacement bat roost boxes and bat access into cavity walls. The main hedgerows would be retained and the landscape planting would compensate to a degree for the loss of the vegetated gardens. On the basis of the evidence, I have no reason to conclude that the proposal would not be licensable. Other elements of the proposal, such as the

accessible location, the adequacy of parking provision and measures to encourage the use of sustainable transport, accord with the development plan and they weigh neither for nor against the proposal.

20. The Covid-19 pandemic has resulted in a disproportionate impact on the care sector, including in terms of infections and deaths. In this regard, the evidence indicates that the appellant's care homes have been generally successful at controlling infection and have not been significantly affected. Even so, without the benefit of a full inquiry into the handling of Covid-19 and its impact on care homes, it seems likely that there will be many contributory factors. While there is generally a need for well-designed care homes to provide high standards of living accommodation for elderly residents, the pandemic does not weigh in favour of the scheme.
21. There are a large number of third party representations raising wide-ranging concerns in relation to the application and to the appeal. While the Council's reasons for refusal relate only to issues of character and appearance, and given that the appellant is aware of and has commented on the third party concerns in relation to the impact of the proposal on neighbouring residential occupiers, it is appropriate for me to consider the issue of residential amenity.
22. With respect to properties on Heyes Park, the boundary between the appeal site and the rear gardens is formed by a tall dense boundary hedgerow with at least some sections of close-board boundary fence. Subject to the strong boundary being maintained, the proposal would be screened from the ground floor windows and rear gardens of Heyes Park. The significant increase in the bulk of built development would be apparent from the neighbouring first floor habitable room windows. However, the layout of the proposal would be such that much of the land within the garden of No 433 would remain undeveloped and there would be no first floor facing windows in the closest elevations. The part of the care home sited furthest forward in the plot would be closer to the rear of 21 Heyes Park than is No 433. Although the plans do not clearly illustrate the proposal in the surrounding context, the evidence suggests that only a small part of the building would be behind the boundary of No 21. There would be a significant visual change from the facing first floor windows, but there would be no close overlooking or significant overbearing impact.
23. No 439 Chester Road is sited in close proximity to and it shares a long side boundary with the appeal site. Notwithstanding the shared boundary wall and the proposed hedgerow, the care home and the 4 residential dwellings would be readily visible from the neighbouring rear garden and from its habitable room windows, including a ground floor side window that serves a dining area. Subject to there being no windows in the closest side elevations of the care home, the separation distances would be adequate to avoid close overlooking or loss of privacy between neighbouring habitable room windows. However, the plans are sketchy in terms of the relationship between No 439 and the care home and the arboricultural survey does not appear to map the vegetation and trees immediately to the rear of No 437, the removal of which would noticeably increase openness. A continuous tall boundary hedge, as illustrated by the landscape strategy, would help screen the proposal from No 439. It is less clear from the site plan that there would be sufficient space between the internal road and the boundary to accommodate a continuous hedgerow screen. While with careful consideration it may be possible to avoid significant adverse impacts on the occupiers of No 439, on the basis of the plans the concerns of

the neighbours are understandable. Nevertheless, as I am dismissing the appeal, it is not necessary for me to consider this matter further.

24. The submitted UU makes provision for contributions to allotments, amenity greenspace, parks and recreation, and healthcare infrastructure. The level of contribution for local healthcare services is consistent with the requirement identified by the Vale Royal Clinical Commissioning Group as necessary to offset the effects of the proposal on local health services. The level of contribution for open space provision is broadly consistent with the Council's requirements, although there is an apparent shortfall in relation to sports pitches. Irrespective, these contributions are required to offset additional demand on local facilities and services and they do not weigh for or against the scheme. In any case, as I am dismissing the appeal on other substantive issues, it is not necessary for me to look at the obligation in detail given that the proposal is unacceptable for other reasons.

Conclusion

25. For the reasons set out above, the proposal would result in conflict with the development plan and there are no material considerations that would outweigh the conflict.
26. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR