The Planning Inspectorate

Appeal Decision

Site Visit made on 9 March 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/V2825/W/20/3264338
32A Millway, Northampton NN5 6ES

- 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 Baldev Bharaj against the decision of Northampton Borough Council.
- The application Ref N/2020/1052, dated 1 September 2020, was refused by notice dated 5 November 2020.
- The development proposed is conversion of existing undercover area and conservatory/ storage area to side and rear of office building to 2 bedroom 2 person annexe to existing care home (Use Class C2) to provide independent living, including windows and access to front elevation of office.

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing undercover area and conservatory/ storage area to side and rear of office building to 2 bedroom 2 person annexe to existing care home (Use Class C2) to provide independent living, including windows and access to front elevation of office at 32A Millway, Northampton NN5 6ES in accordance with the terms of the application, Ref: N/2020/1052 dated 1 September 2020 subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The Council has altered the description of development. This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and have considered the appeal on this basis.

Main Issue

3. The main issues are the effect of the proposed development upon the living conditions of existing neighbouring occupants and the effect of the proposal upon the safe and efficient operation of the highway network.

Reasons

4. The appeal site is a detached bungalow operating as a small-scale elderly care home with ancillary office accommodation contained within a detached building set within a generous plot. The site is accessed off a private drive located between two houses and serves a small number of other dwellings.

5. The proposed development is for conversion of the existing outbuilding to an annex to the existing host property providing a semi-independent living space for two people as well as minor alterations to the existing office accommodation. The appellant indicates that it would be occupied by persons

who have less extensive care requirements, but still need an element of support.

6. The Council contend that the proposed development would be tantamount to the creation of a new dwelling. I simply do not agree - the proposal would be occupied and operated in a complementary manner to the host property and whilst not physically connected it is sufficiently close for occupants to be cared for by staff in the host property. Moreover, the proposal would be operated by the same company, residents of both buildings would share the same private amenity space, access and driveway. These arrangements do not lend themselves to the creation of a separate dwelling.

7. I acknowledge that the proposed development would result in additional residents. However, at the time of my visit on a weekday afternoon, I did not observe significant levels of traffic travelling along Millway or any vehicles along the driveway. Whilst, I acknowledge that this is a snapshot in time, based on my observations and the evidence before me there is little to indicate that there are significant traffic flows or highway issues in the area or that the proposed development would lead to an increase in comings and goings along the driveway.

8. Even if it were the case, given the small scale and nature of the care use and the modest increase in the number of residents I am satisfied that any additional vehicle movements including those from visitors and health professionals would not be materially different compared to the existing situation. Given their care needs it is unlikely that residents would have access to a vehicle and it is not unreasonable to expect that a large proportion of visits would be pre-arranged with the operators of the care home who would have the ability to manage the frequency and timings of visits.

9. Residents and staff would have to travel only a short distance along the private drive, given this short distance and that vehicles are likely to be travelling at low speeds along the driveway, it is unlikely that users would be unduly inconvenienced or endangered by the lack of a footpath or lighting or any potential increase in use of the driveway. I see no reason to conclude that the proposal would undermine the upkeep or management of the driveway.

10. As such, I am satisfied that the proposed development would not result in an intensification of the driveway whereby it would compromise highway safety or unduly affect the living conditions of nearby occupants. It would therefore accord with Policy H29 of the Northampton Local Plan (1997) which, amongst other things, requires residential institution developments to protect the amenities of occupiers of adjacent or nearby properties and not to increase traffic congestion or be a danger to road safety. It would also accord with the National Planning Policy Framework (the Framework).

Conditions

11. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.

12. In addition to the standard time limit condition I have imposed a condition specifying the relevant drawings as this provides certainty. I have imposed a

condition to safeguard against the independent occupation of the development in the future. Whilst the Council has suggested a separate condition limiting it to a care home use, I consider that the occupancy condition is sufficient to ensure it forms part of the care home and is used for such purposes.

13. The Council has suggested a condition limiting the maximum number of residents of the development to 7. However, the details of the host property are not before me and the proposed development is solely for a 2-bedroom 2 person annexe. As such, I have amended the condition to reflect the scheme before me rather than seeking to control the number of residents across both buildings.

Conclusion

14. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Plans and Elevations Drawing Number 2020-183 01A and Proposed Plans and Elevations Drawing Number 2020-183-02.

3) The development hereby permitted shall not be used other than as accommodation forming part of the care home at 32A Millway.

4) The development hereby permitted shall not be occupied by more than 2 residents at any one time.