



## 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: 28 May 2021**

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**Appeal Ref: APP/L2820/W/20/3264381**

**St. Anns Residential Care Home, 12 The Crescent, Kettering NN15 7HW**

- 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 Ian Sloan of B&M Care against the decision of Kettering Borough Council.
  - The application Ref KET/2020/0264, dated 8 April 2020, was refused by notice dated 23 October 2020.
  - The development proposed is the erection of two storey side extension with 5 no. rooflights and dormer window and balcony to rear. Creation of additional parking and enlarged communal garden. Demolition of 3 no. residential properties.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side extension with 5 no. rooflights and dormer window and balcony to rear. Creation of additional parking and enlarged communal garden. Demolition of 3 no. residential properties at St. Anns Residential Care Home, 12 The Crescent, Kettering NN15 7HW in accordance with the terms of the application, Ref: KET/2020/0264 dated 8 April 2020 subject to the conditions set out in the schedule to this Decision.

### Procedural Matter

2. I have taken the description of development from the appeal form. It adequately and simply describes it instead of the much longer and detailed description given on the application form.

### Main Issue

3. The main issue is the effect of the proposed development upon the character of the area.

### Reasons

4. St Anns Residential Care Home is located near to the town centre. The property is a large detached building fronting the road with a parking area leading off Foxton Court and a garden to the rear.
5. The Crescent and the surrounding roads are characterised by buildings of varying ages, designs and scale. Whilst the majority of these buildings are dwellings, I observed a school located at the other end of The Crescent and a number of non-residential uses nestled between dwellings. These buildings generally lie within large mature plots which maintains the spacious and pleasant character and appearance of the area.

6. On street parking is low due to the existence of on plot spaces and as on street parking is restricted to permit holders only.
7. Policy K16 of the Local Plan for Kettering Borough (1995) (LP) sets out that non-residential development along The Crescent, alongside other streets, will be resisted in order to protect the vitality and character of the town centre as well as to provide accommodation close to central area facilities.
8. Policy 24 of the Kettering Town Centre Area Action Plan (2011) (AAP) seeks to retain and enhance the residential character and use of the Headlands Quarter. It sets out in criteria I) that proposals would be considered acceptable where the residential character of the area is maintained and does not involve the redevelopment, infilling or sub-division of a properties curtilage and at criteria IV) that single points of vehicle access are retained.
9. The proposed development would involve the demolition of three dwellings and the redevelopment of their plots and would introduce a second access point into the site. Thus, there would be some conflict with LP Policy K16 and AAP Policy 24. However, it is apparent that these policies aim to maintain the residential character of the area.
10. I acknowledge that the proposed development would be a commercial enterprise and would result in the loss of family sized housing. However, it would clearly provide a home for older residents in the Borough meeting an identified need for such accommodation. Its residential nature would be compatible with surrounding uses and there is no evidence to suggest that the existing care home has not successfully integrated into the area.
11. The proposal would lead to additional residents residing at the care home. However, I note that the proposals include improved on-site facilities including a hair salon, cinema room, gym and enlarged garden and amenity space which would meet the day to day needs of many residents. As such many activities would be contained within the site and residents would not generally come and go from the premises as regularly as occupants of dwellings. In addition, the activity associated with staff, visitors and service providers would be contained within the site with a degree of separation from the street and neighbouring properties.
12. The proposal would have a domestic scale and the appearance of a pair of semi-detached properties reflecting the diverse range of properties in the area. Whilst the proposal would result in a second vehicular access it would occupy the position of an existing dropped kerb, albeit wider. The vehicular access would result in a minor visual change but would not be uncharacteristic of the area or undermine its appearance given the presence of openings, dropped kerbs and on plot parking locally. I find that the position and form of the proposed boundary wall would maintain the street's physical enclosure.
13. At the time of my site visit, on a weekday morning, I observed low levels of vehicle movements along The Crescent and surrounding roads. Whilst I appreciate that this is a snapshot in time, there were no obvious signs of significant comings and goings at the site or congestion in the area.
14. The proposal would likely lead to increased vehicle movements due to additional staff, visitors and deliveries, amongst others. However, there is no credible evidence before me to indicate that this would be significant. Given the

care needs of residents it is unlikely that they would have access to a vehicle. Visitors would also have alternative transport options given the proximity of the train station and bus stops in the area. It is also 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.

15. The Crescent is not devoid of non-residential traffic and whilst there would be additional movements and activities associated with the proposed development I am satisfied that they would not significantly increase from those already occurring in the area to the extent that they would undermine its character.

#### *Planning balance*

16. Whilst there is some conflict with LP Policy K16 and AAP Policy 24 I find that there are factors that would lessen the degree to which that conflict would result in harm, including due to the residential nature of the proposed development which would not undermine the character of the area. The loss of family sized housing would be outweighed by the social and economic benefits of the proposal which would meet an identified need and would make a positive contribution towards creating mixed and inclusive communities. These factors would therefore be sufficient to outweigh the degree of conflict with the relevant LP and AAP policies.

#### **Other Matters**

17. I have taken into account the representations regarding overlooking, landscaping, highway safety and disruption during the construction phase.
18. The proposed development includes a first-floor balcony and window serving a corridor in the side elevation. The form of the building would enclose the sides of the balcony providing satisfactory screening. Moreover, there is adequate separation between properties to ensure that satisfactory living conditions are maintained. Planning conditions would ensure that the side windows and rooflights are obscurely glazed to prevent overlooking.
19. There is no substantive evidence before me to indicate that the proposed development would lead to crime or the fear of crime.
20. The Highways Authority raised no objection to the planning application therefore I am satisfied the development is acceptable in highway terms. Planning conditions would manage construction traffic, parking areas and visibility.
21. In terms of precedent every appeal is considered on its own merits, as I have done in this case. There is no substantive evidence to indicate that the proposal would result in a precedent for balconies or similar developments in the area.
22. The presence and availability of alternative sites or the potential impact upon foundations is a matter which falls outside of what I consider in my decision.

#### **Conditions**

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

24. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions requiring matching materials, landscaping, boundary treatments and finished floor levels and site levels have been imposed to ensure the satisfactory appearance of the development. I have also found it necessary to ensure that dead or diseased plants are replaced for 5 years following completion of the development and therefore a condition requiring this has been imposed.
25. A condition for the development to be carried out in accordance with the Drainage Technical Design Note has been imposed in the interests of achieving sustainable development.
26. Conditions relating to access arrangements, parking and turning areas, visibility splays and bicycle parking have been imposed in the interests of highway and pedestrian safety. I also consider it necessary to impose a condition for a Construction and Demolition Method Statement for highway reasons and to protect the living conditions of nearby occupants. The Council has suggested a condition limiting construction working hours on site. However, there is no reason to indicate that working hours could not be agreed as part of the Construction and Demolition Method Statement and therefore I find the suggested condition is not necessary.
27. In the interests of protecting the living conditions of neighbouring occupants conditions for the first floor corridor window and windows serving the training room located within the roof space to be obscurely glazed have been imposed.
28. In the interests of human health, I have imposed a condition regarding land remediation in the event that contamination is found during construction works.
29. The Council has suggested a condition for the proposed development to be occupied as incidental to the existing care home. However, the development has been advanced as an extension to the care home and as such I do not consider it necessary to impose the condition.
30. The Council has suggested a condition for the installation of bat boxes on the southern elevation of the building. However, a separate condition requiring the development to be carried out in accordance with the recommendations set out in the Ecology report has been imposed and as such I do not consider it is necessary to impose the condition.
31. The Council has suggested a condition for the external frames of the roof lights to match the roof tiles and for security measures to ensure the security of open areas of the site and neighbouring land. However, no clear justification as set out in the PPG has been provided for the suggested conditions and therefore, I find they would not be reasonable or necessary and thus they have not been imposed.

## **Conclusion**

32. 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:  
  
Location Plan Drawing Number STA-XX-XX-DR-A-00013A  
Block Plan Drawing Number STA-XX-XX-DR-A-00013  
Existing house floor plans Drawing Number STA-XX-XX-DR-A-0008  
Existing roof plan Drawing Number STA-XX-XX-DR-A-00011  
Proposed ground floor plan Drawing Number STA-XX-XX-DR-A-0001  
Proposed ground floor plan Drawing Number STA-XX-XX-DR-A-00014  
Proposed second floor plan and roof plan Drawing Number STA-XX-XX-DR-A-0003  
Proposed roof plan Drawing Number STA-XX-XX-DR-A-0004  
Topographical plan Drawing Number STA-XX-XX-DR-A-00012  
Proposed Site Layout Drawing Number STA-BM-XX-XX-DR-A-0007e  
Existing and Proposed Streetscene Drawing Number STA-XX-XX-DR-A-0006a-Model  
Proposed first floor plan Drawing Number STA-XX-XX-DR-A-0002a  
Proposed elevations Drawing Number STA-XX-XX-DR-A-0005c  
Existing care home floor plan Drawing Number STA-XX-XX-DR-A-0009  
Existing elevations Drawing Number STA-XX-XX-DR-A-00010a  
Proposed first floor plan Drawing Number STA-XX-XX-DR-A-00015a
- 3) No development shall take place, including any works of demolition, until a Construction and Demolition Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction and Demolition Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall commence above ground until details of the boundary treatment shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and thereafter retained for the lifetime of the development
- 6) No development shall commence above ground until details of the soft landscaping works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 7) If, within a period of 5 years from the date of planting, trees or plants (or any planted in replacement for it) is removed, uprooted, destroyed or dies or

becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

- 8) The development shall not be occupied until the approved drainage scheme (Drainage Technical Design Note [document reference:14756- HYD-XX-XX-RP-D-5001] dated 24 July 2020) has been fully implemented and operationally available for use. The approved drainage scheme shall be permanently retained in that form thereafter and maintained in accordance with the approved Drainage Maintenance Schedule (document reference 14756-HYD-XX-XX-RP-D-5101 dated 22 July 2020).
- 9) The development hereby permitted shall not be occupied until the pedestrian and vehicular visibility splays shown on Drawing Number STA-BM-XX-XX-DR-A-0007e have been provided. The visibility splays shall then be retained thereafter for the life of the development.
- 10) The staff parking and turning area shown on Drawing Number STA-BM-XX-XX-DR-A-0007e shall be signposted and laid out prior to the first occupation of the development hereby approved and shall be thereafter retained for such purposes for the lifetime of the development.
- 11) Prior to first occupation of the development hereby permitted, the covered cycle storage area shown on the proposed site layout (drawing no. STA-BM-XX-XX-DR-A-0007e) and the Hydrock Transport Statement (Ref: 14756-HYD-XX-XX-RP-TP-1001-P03 Revision P04) shall be made available for use. The area shall be kept available for the parking of bicycles and retained thereafter for the lifetime of the development.
- 12) No gates shall be installed at the point of access to the proposed staff parking area.
- 13) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.
- 14) The first floor window on the south elevation serving the internal corridor shall only be glazed with obscure glass (no less than privacy level 5 Pilkington Standard, or equivalent) and shall either be of non-opening type or fitted with non-adjustable window restrictors which prevent the window opening more than 0.15m and shall be retained as such for the lifetime of the development.
- 15) Any part of the rooflights on the south facing roof slope serving the training room which are positioned less than 1.7m above finished floor levels shall be non-opening type and shall be retained as such for the lifetime of the development.
- 16) The development hereby permitted shall be carried out in accordance with section 4.3 (Recommendations) of the submitted Cherryfield Ecology report.

- 17) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.