



Appeal Decision

Site visit made on 8 June 2021

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2021

Appeal Ref: APP/X1545/W/20/3251094

The Lodge, Lodge Road, Maldon CM9 6HW

- 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 Sheryl Howard against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/01276, dated 6 December 2019, was refused by notice dated 31 January 2020.
 - The development proposed is change of use of lower ground floor of existing elderly care home into 2 self-contained flats.
-

Preliminary matters

1. A separate application for Listed Building Consent ref 19/00802/LBC has been approved. I agree that the proposed development would cause a limited degree of 'less than substantial' harm to the architectural character or historic interest of the Grade II listed building. Given its history and past internal alterations, the very limited degree of harm would be outweighed by the public benefit in the form of housing accommodation for which the Council has identified a demand. The building lies on the edge of the Maldon Conservation Area adjacent to the Chelmer and Blackwater Conservation Area but the development would cause no harm to the character or appearance of either.
2. The proposal is for continued accommodation by the elderly within the existing premises but with internal access via the lift and stair blocked off. The interior would be re-arranged for self-contained use by couples with care needs or individuals with a close relative living in the attached home. They would provide independent living and access and the occupants would assume responsibility for the upkeep of the adjacent external areas. Future occupants would be able to choose a care package and benefit from emergency care on a 24-hour basis with a direct intercom phone connection. On this basis, the proposed accommodation could be considered a community service or facility with accommodation for specialist needs. It would fall within the same use class as sheltered housing (Use Class C3 (b)). I note that the letter of support from the County Councillor assumes the proposed changes are intended to adapt the care home to meet changing requirements. I have considered the appeal on this basis.

Decision

3. The appeal is allowed and planning permission is granted for change of use of lower ground floor of existing elderly care home into 2 self-contained flats at The Lodge, Lodge Road, Maldon CM9 6HW in accordance with the terms of the

application, Ref FUL/MAL/19/01276, dated 6 December 2019 and the plans submitted with it, subject to the following 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 not be carried out other than in accordance with the approved drawings: A101 rev C, A102, rev D, A103 rev E, A104 rev B.
- 3) No occupation of the dwellings hereby approved shall take place until the parking spaces each measuring no less than measure 2.9m x 5.5m have been provided in accordance with the approved drawing ref A101 rev C. The car parking spaces shall be retained as such.
- 4) No occupation of the dwellings hereby approved shall take place until the provision has been made for the storage of bicycles in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The bicycle storage shall be retained as approved.
- 5) Notwithstanding the Heritage Statement submitted, none of the existing fireplaces within the site shall be replaced.
- 6) Footpaths 3 and 57 where they pass the development hereby approved shall be maintained free and unobstructed at all times.
- 7) No occupation of the dwellings hereby permitted shall take place until the refuse and recycling store has been provided in accordance with drawing ref A101 rev C. The store shall be maintained and retained as such.
- 8) The residential accommodation hereby approved shall not be used for any purpose other than purposes within Class C3(b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 9) No development shall take place until a construction management plan has been submitted to and approved by the local planning authority setting out arrangements for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development.

The development shall be carried out in accordance with the approved construction management plan.

Main Issue

4. The Council acknowledges in its appeal statement that as the proposal involves a change of use from one type of residential to another, the need for a contribution towards mitigation of a significant effect in terms of recreational disturbance on European Designated Sites in Maldon District does not arise. The number of potential occupants would not increase. I agree. Accordingly, the main issue is the effect on the provision of community facilities in the area.

Reasons

5. The building is constructed on sloping land and the proposed change of use and works relate to the lower ground floor of the building which is accessed from the main accommodation in the care home via a spiral stair and a lift. At this level there are 4 bedrooms of varying sizes together with ancillary storage and servicing accommodation.
6. The appellant has identified a need for elderly couples to live together in an environment where care is available nearby. The development would provide 2 flats with wheelchair accommodation within the constraints of the historic building fabric. Both flats would be accessed from the outside via ramps. It would be a short walk from the main building to the units. Meals, a laundry service and personal care would be provided by staff when needed.
7. A feature of the floor plan is the lack of up to date linked bathroom accommodation that can be used by people who need a wheelchair or with restrictive physical impairments. This is a result of the layout of the 1798 building which was erected as a barracks for troops stationed in Maldon during the Napoleonic wars, its subsequent use as a 3 bedroom flat for the previous owners, and conversion to the current layout in 2007. I do not doubt the appellant's claim that the rooms are unsuitable for those with ongoing specialist care needs such as dementia and that there is increasing demand for such places in the home. Accordingly, whilst there would be a loss in numerical terms, the replacement accommodation would provide modern wheelchair-compliant accommodation and moreover, would enable couples to live together but independently providing continuing support for each other rather than, as can happen, being separated.
8. The Council has identified a need for a greater proportion of smaller units and agrees that the proposed accommodation would contribute positively. The appellant is responding and would not invest in the type of accommodation proposed if there was no prospect of a financial return. Given that the existing accommodation is under-utilised, it is unclear why there is any need to identify whether the proposed sheltered units can be provided elsewhere in the District. Whilst not ideal, I do not doubt that the arrangement of rooms proposed would be suitable for occupation by elderly couples, given the constraints of the listed building. The location on the southern bank of the river close to the centre of Maldon and its facilities would provide an attractive living environment and there would be easily accessible car parking and outdoor garden space.
9. Beyond suggesting a technical loss of beds, the Council provides no data to show that provision of housing for the elderly in the District overall would be unacceptably affected. The unsuitable floor plan arrangement is not given a great deal of weight by the Council and the lack of wheelchair suitable wcs and bathrooms is an important factor which would be difficult, if not impossible to resolve whilst providing 4 bedrooms in this listed building. Significant weight must attach to the unsuitability of the existing accommodation for those with increasing disability or health problems as they get older. The modest contribution to the identified District-wide need for 1 bedroom units attracts considerable weight. The accommodation would fulfil the aspiration for specially designed and/or managed accommodation tailored to a specialist need, set out in the preamble to policy H3. I conclude that it has not been shown that the provision of these 2 units for couples to provide support for each other or for a

close relative within the home, whilst having specialist care at hand, would conflict with the aims of policy H3 of the Maldon District Approved Local Development Plan 2014 – 2029.

Conditions

10. Apart from the usual time limit on commencement and the requirement to implement the permission in accordance with the drawings, conditions are necessary to ensure that the parking spaces are provided and retained; bicycle storage is provided; public footpaths passing the site are kept open; and fireplaces are retained, in the interests of heritage significance. A construction management plan is necessary in view of the constrained nature of the site. Finally, arrangements for the storage of refuse need to be confirmed and retained. A restriction on the use class to C3(b) is necessary to prevent occupation by those who do not require a degree of care.

Conclusion

11. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR