



Appeal Decision

Site Visit made on 24 August 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/R0660/W/21/3274791

Telford Court, Dunwoody Way, Crewe CW1 3AW

- 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 Lucy Chawner, Inspired Life Care against the decision of Cheshire East Council.
 - The application Ref 20/1454N, dated 1 April 2020, was refused by notice dated 18 December 2020.
 - The development proposed is for a two storey, 18 bed specialist unit care home on an existing soft landscape area adjacent Telford Court Care Home; including additional car parking, ancillary gardens and increase to existing bin store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In the interests of natural justice both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.
3. The appellant has referred to the '*Site Allocations and Development Policies Document (SADPD) (Revised Publication Draft October 2020)*', however this document has not yet been examined in public. As such, in accordance with paragraph 48 of the Framework, I have afforded these policies limited weight.

Main Issues

4. The main issues are i) the effect of the proposal upon the character and appearance of the area; and ii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal site comprises of an existing soft landscaped area associated with the adjacent Telford Court Care Home and is located within the settlement boundary of Crewe. The existing building is two-storeys and constructed of brick with render of a modern/contemporary design. Car parking is situated to the front of the site with additional parking, service area and bin storage to the rear. Areas of enclosed landscaping surround the site, with either timber or

metal fencing and to the south is securely enclosed and appears to be used as a garden area for residents.

6. The soft landscaped areas provide a natural and welcome break from surrounding built development, resulting in a spacious and verdant setting for the care home. The immediate area is characterised by residential properties to the north and west of the site. There is a mix of property types with buildings of variant designs, height and form predominantly constructed of brick. To the south of the site is commercial buildings and the industrial site of Bombardier. Despite some variation in form, and redevelopment, the residential properties and buildings in the area present a discreet arrangement that appreciably contributes towards the local distinct and former industrial character.
7. The development proposes an additional two storey building which would almost replicate the general design principle and materials of the existing building. It would facilitate an extra 18 beds, comprising 2 x 9 bedded suites with individual assisted areas. There would be other specialist rooms on the ground floor and private small garden areas. It would operate independently to the existing home which has 85 beds for nursing older people and other adults.
8. Despite this, it would be in close proximity to the existing building and would add a substantial bulk of built form within the site, reducing its spacious connectivity and appreciation of separating existing development. The overall massing, scale and excessive span of roof forms of the proposed building would result in a complete loss of the landscaped area to the west. Whilst, overall, the design and siting would appear rather cramped and contrived, thus resulting in a poorly designed building, shoehorned into the limited available space that remains as soft landscaping at the site.
9. Furthermore, additional hardstanding areas, including the provision of 24 car parking spaces would be introduced along the frontage facing Dunwoody Way and in close proximity to the boundaries along the west, thus having a negative impact on the visual qualities and appearance of the street scene. As a result, the scale, massing and siting of the building and associated hardstanding would appear as an obtrusive, overly dominant development within the site having a detrimental impact to the character and appearance of the area.
10. Moreover, I am not persuaded that there would be sufficient visual separation between the two buildings to prevent them from being perceived as one long mass within the site or that it would sit well or represent a spacious and open feel with additional small secure garden areas. The proposed additional landscaping and resident's amenity areas would assist to a degree, but this would not be sufficient to overcome the unacceptable increase in the built form within the appeal site resulting in overdevelopment.
11. Neither do I accept that the soft landscape area is 'dead' land, incongruous or is read solely in the wider context of built form of Dunwoody Way, particularly as it is clearly identified as soft landscaping and seeded lawn on the original planning approvals for the existing care home site plans¹. It would therefore be at odds with the spacious character and setting of the immediate area of the care home that provides relief within an otherwise heavily built-up area.

¹ SOC Appendix 5, 7 9, ref 16/4971N, 17/2894N, 18/2071N

12. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policy SD2 and SE2 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017 (CELP). These policies set out that proposals should make a positive contribution to their surroundings; development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, design, massing of development – the balance between built form and green/public spaces and relationship to neighbouring properties, street scene and the wider neighbourhood.
13. Furthermore, it would not accord with Chapter 12 of the Framework, and the National Design Guide in that they seek the creation of high-quality, beautiful and sustainable buildings and places; good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living Conditions

14. The proposed building would be sited in close proximity to the residential dwellings along Moss Field Place and Bessemer Way. These are two storey houses and the rear garden areas of these properties directly adjoin the appeal site and are separated by limited wooden fencing. I observed at the time of the site visit that there are significant views of the existing care home and its grounds, particularly due to the height of fencing, and there were views from between dwellings along both streets and a car parking area on Bessemer Way.
15. Despite, the removal of some windows at first floor level and the replacement with roof lights. The design of the proposed building would still incorporate windows at higher levels that face towards those dwellings and gardens, even at oblique angles. An amenity garden for residents of the care home and a shelter would also be in position close to the boundaries of properties on Moss Field Place. It would be likely that due to the nature of the care home and its 24-hour operating hours the windows, roof lights, doors and outside areas would also be open or used at some point during the day or night-time hours. As such, given the proximity of the proposed development to those neighbouring occupiers, it would cause a detrimental impact to their privacy, currently afforded within their properties and rear garden areas.
16. Notwithstanding, the photomontages provided by the appellant including a buffer zone, the siting and design of the building would result in elevations of both two and one-storey in height directly adjacent to garden areas of neighbouring occupiers. The large elevations would appear overly dominant, when viewed from within rear garden areas and particularly by occupiers of the dwellings looking up from within their gardens. I acknowledge the sun path analysis; however, the overall impact and significant loss of outlook would be exacerbated by the stark white render and that the 'U' shaped design almost wraps around the gardens, overpowering and imposing to those enclosed small rear garden areas.
17. The appellant's evidence relies heavily on the Cheshire East Design Guide, Supplementary Planning Document, 2017 (SPD) for residential amenity and

interface distances. The SPD sets out separation distances that relate to dwelling-to-dwelling relationships, of which the proposal is not. Nonetheless, it states that *'separation distances should be seen as a guide rather than a hard fast rule'*. In this case, although 22m is achieved in part, the building would be constructed in close proximity to private garden areas and the side elevation of properties on Bessemer Way. I have been referred to distances between existing properties on Bessemer Way and Mossfield Place. I have limited evidence to support this theory or comparison, and this is not the development before me.

18. In regard to permitted development rights for rooms, I have not been provided with any alternative layout for ground floor rooms or that bedrooms would not be used for the majority of the time, particularly as the proposal sets out the individual layouts and amenities of rooms.
19. I acknowledge there is an existing care home within the grounds and there is undoubtedly some existing disturbance for nearby residents. However, the proposal would lead to significant and unacceptable negative impacts on the amenity of those neighbouring occupiers, due to the close proximity, siting, mass and height of the proposed building.
20. For the reasons given above, the proposed development would result in substantial harm to the living conditions of neighbouring occupiers, with regard to outlook and privacy. It would conflict with Policy SE1 of the CELP and Saved Policy BE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, 2005 (Saved by Direction). Amongst other things, these policies seek to protect appropriate levels of privacy for new and existing residential properties; only permits proposals that are compatible with surrounding land uses, and do not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way. It would also be at odds with guidance contained in the Council's SPD, in regard to protecting and respecting existing residential amenity.

Other Matters

21. I acknowledge the appellant's concerns and that they were dissatisfied with the planning application process, number of plan revisions and responses from the Council during the pre-application stage. The Council have explained their pre-planning advice scheme, and that issues with the proximity to neighbouring residents was highlighted throughout the process. I do not consider this to be unreasonable behaviour in any response.
22. Moreover, it appears to me that previous discussions were in accordance with the planning practice guidance² (PPG), and pre-application advice provided, or internal consultees cannot pre-empt the democratic decision-making process or a particular outcome, in the event that a formal planning application is made. The weight given to an internal consultee would be one for the Council, at the time of their decision-making process. Therefore, I have dealt with the appeal on the proposals I have before me.
23. I note that local residents have expressed additional concerns about the proposed development, including air/noise/light pollution, waste and bin

² Paragraph: 001 Reference ID: 20-001-20190315, Revision date: 15 03 2019; Paragraph: 003 Reference ID: 20-003-20140306, Revision date: 06 03 2014; 004 Reference ID: 20-004-20180222; Revision date: 22 02 2018

storage, health & safety, security and care home residents' activities. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.

24. I understand other developments have been granted by the Council in nearby areas (2020/4113N). I have been provided with limited details, although there may be some similarities with the appeal scheme. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.
25. The appellant refers to the Framework and that it is supportive of positive planning and sustainable development. Whilst this may be the case, it is not without caveats, including that developments provide a high standard of amenity for existing and future users and that development that is not well designed should be refused, where it fails to reflect local design policies and government guidance on design.
26. The proposals would make efficient use of land, in an accessible and sustainable location for local services, facilities and public transport. However, whilst these are benefits to environmental objectives, it would not be achieved due to the significant harm that would be caused to the character and appearance of the area.
27. The Council advise that the latest 5year housing position is 6.4 years, I have no evidence to the contrary and as such in this case, the tilted balance would not apply. Moreover, I have not been provided with any substantive evidence that there is a shortfall in the provision of beds for care homes in the Borough.
28. However, I recognise the appeal proposal would have benefits with regard to the provision of extra care facilities, and the contribution both construction opportunities and that it would generate local employment opportunities for care staff. These matters, however, do not outweigh my findings in respect of the main issues nor the conflict I have found with the development plan read as a whole.

Conclusion

29. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

KA Taylor

INSPECTOR