



Appeal Decision

Site Visit made on 7 June 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/L2820/W/21/3269337

1 Shotwell Mill Lane, Rothwell, NN14 6HL

- 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 Alderwood LLA Ltd against the decision of Kettering Borough Council.
 - The application Ref: KET/2020/0715, dated 15 October 2020, was refused by notice dated 4 February 2021.
 - The development proposed is a change of use from C3 (dwellinghouse) to C2 (residential institution) to a 4 bedroom young adult care home including conversion of existing garage to bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 (dwellinghouse) to C2 (residential institution) to a 4 bedroom young adult care home including conversion of existing garage to bedroom at 1 Shotwell Mill Lane, Rothwell, NN14 6HL in accordance with the terms of the application, Ref: KET/2020/0715, dated 15 October 2020, 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 be carried out in accordance with the following approved plans: ALD/436/PA010A – Floor Plans, Elevations and Site Plan as Proposed (Revision A-Car parking added).
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials that match the type, colour and texture of those materials used within the existing building.
 - 4) The development shall not be occupied until space has been laid out within the site in accordance with drawing no. ALD/436/PA010A – Floor Plans, Elevations and Site Plan as Proposed (Revision A-Car parking added) for 8 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
 - 5) The development hereby permitted shall not be occupied by more than 4 residents (not including employed staff) at any one time.

Main Issues

2. The main issues are:-

- i) whether the proposal would provide satisfactory living conditions for future occupants and employed staff;
- ii) whether the proposal would provide satisfactory living conditions for neighbouring occupiers with particular regard to noise and disturbance; and
- iii) the effect of the proposal on highway safety.

Reasons

Living conditions – future occupiers and employed staff

- 3. The appeal dwelling is a substantial detached two-storey dwelling which would accommodate up to four individuals with complex care needs. All but one of the proposed resident bedrooms would comprise private en-suite facilities including a toilet, with the fourth bedroom having use of a first-floor bathroom. Albeit use of this bathroom would not be exclusive to the resident of the fourth bedroom, I am not persuaded that a shared use of this facility would unduly compromise the privacy of that resident particularly given the availability of a further toilet facility on the ground floor for use by those employed at the premises and visitors. To my mind, the toilet facilities would be satisfactory in meeting the needs of the residents and members of staff and visitors.
- 4. By reason of their generous size, the proposed resident bedrooms would accommodate bedroom and other small furniture within a private space. Although the plans identify no other room within the appeal building for sole use by any resident or for the private use of staff, there are a reasonable number of additional rooms on the ground floor together with a sizeable rear garden. To my mind, the available rooms and space would provide future occupants and members of staff with adequate space for communal living and for staff to work within.
- 5. In addition, I note the appellant's view that the appeal scheme has been designed to accord with the standard required for a physical building and its facilities as stipulated by the Care Quality Commission and the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- 6. Taking everything into account, I find that the appeal scheme provides adequate toilet facilities, private areas and office staff/accommodation. I do not share the Council's view that a busy, cramped and claustrophobic environment would unsue. As such, I conclude that the appeal scheme would provide an adequate standard of living conditions for future occupants of the appeal proposal and staff members employed to work there.
- 7. Therefore, it would accord with the provisions of Policy 8 and Policy 30 of the North Northants Joint Core Strategy (July 2016)(CS) which require, among other things, a high quality development that ensures quality of life and safer and healthier communities by protecting the amenity of future occupiers.

Living conditions – neighbouring occupiers

- 8. The appeal property lies within a predominantly residential area with neighbouring dwellings to each side of its plot. The proposed change of use would provide a small-scale residential care home that would accommodate up to 4 individuals. Each resident would receive one-to-one care during the

- daytime. Additional staff members would result in the region of a maximum of eight members of staff being employed during the day. This figure would reduce to approximately 2-3 staff being present during night-time hours. The facility would be operated on a shift basis which would necessitate the changeover of staff. Staff arriving in motor vehicles would be able to park within a sizeable area of hardstanding to the front of the appeal dwelling.
9. Additional visits from relatives, health and care professionals, delivery drivers and cleaners would generate additional vehicular movements to and from the property. However, these would be likely to occur less frequently and would be spread throughout the day rather than coinciding with staff changeover periods. Moreover, in my view, these type of occasional visitors to the appeal property would be typical of the type and level of visitor that may attend at a 4-bedroom dwelling in Use Class C3.
 10. There are a number of windows within the side elevation of 101 Rushton Road that are orientated towards the appeal site, including its access driveway and parking area. These windows serve habitable rooms, including a bedroom. Nevertheless, the appeal dwelling is detached and it is positioned at some distance from the side elevation of the neighbouring dwelling. The driveways of 101 and 103 Rushton Road provide separation from the proposed access and parking areas.
 11. Additionally, 101 Rushton Road is sited towards the front of its plot in close proximity to the highway which I observed to receive a regular flow of traffic. I appreciate that my site visit provided only a snapshot of highway conditions, however, there was nothing to suggest that what I observed was untypical. Moreover, third party comments confirm that the road is busy by reason of it being a primary route for Rothwell and for those travelling to Corby. Taken together with the nearby bend in the road, which has the result of slowing down vehicles as they enter Rothwell, dwellings along this part of Rushton Road already experience a considerable degree of noise and disturbance from passing vehicular traffic.
 12. The appeal scheme is likely to generate a limited level of additional vehicular movements over and above that of a four-bedroom dwelling in residential use. Nevertheless, given the intervening distances, the presence of the existing vehicular noise from the highway and the limited periods of staff changeover, I find that, even during the early morning and early evening hours, any increase in noise and disturbance would not be at a level that would be unacceptably harmful to the neighbouring occupiers of 101 Rushton Road.
 13. For similar reasons, I conclude that the living conditions of neighbouring occupiers at Millway would not be materially harmed by noise or disturbance given that this neighbouring dwelling is positioned some distance away from the common boundary beyond a dense band of mature vegetation that provides an element of screening from the appeal scheme.
 14. Consequently, I conclude that the appeal proposal would not have a materially harmful impact on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. It would accord with the provisions of CS Policy 8 insofar as it requires development to ensure quality of life that protects amenity by not resulting in an unacceptable impact on the amenities of neighbouring properties.

Highway safety

15. Shotwell Mill Lane comprises a private unadopted road together with a Public Right of Way, Footpath No.UH13. At the time of my site visit, I observed a very light flow of vehicular traffic and pedestrians passing along the lane together with a general absence of vehicles parked along its length. However, I note that the route is also in use by other users, including horse riders, families with children, persons exercising dogs and those with mobility issues.
16. As a result of Shotwell Mill Lane being relatively straight, there are good lines of sight of oncoming vehicular and pedestrian traffic for a vehicle that is accessing or egressing the appeal site. Similarly, whilst the junction of Shotwell Mill Lane with Rushton Road lies at a point where there is a sharp bend in the road which is also in close proximity to the appeal site access, there are reasonably good lines of sight in each direction along Rushton Road.
17. Whilst it is not noted within the Council's reason for refusal, the Council's concerns also relate to the provision of adequate parking and the subsequent parking of vehicles within Shotwell Mill Lane. The Highway Authority stipulate that 5 parking spaces would be required including one disabled parking bay. As such, given that the proposal would provide 8 parking spaces within the appeal site, it would exceed this requirement, even if spaces numbered 7 and 8 were to be used for the parking of a minibus.
18. There is some concern that the Highway Authority have based their calculation upon the incorrect number of full-time equivalent staff with an interested party suggesting that a figure of seven parking spaces is more appropriate. However, even if I were minded to accept this view, the provision of 8 spaces would nevertheless exceed this figure.
19. Moreover, even if some vehicles were to park within the road, I am not satisfied that these would unduly affect the ability of vehicles to access and egress the site safely nor cause undue harm to the character and appearance of the area.
20. Notwithstanding that there would be some limited increase in the number of vehicular trips to and from the appeal site as a result of the proposal, I conclude that the appeal scheme would not cause unacceptable harm to highway safety. The proposal would accord with CS Policy 8 insofar as it requires safe and pleasant streets and spaces that do not prejudice highway safety and a satisfactory means of access and provision for parking, servicing and manoeuvring.

Other Matters

21. I have had regard to a number of representations from third parties, including neighbouring residents, a local Councillor and the Parish Council, a number of which refer to the matters I have considered above. In addition, reference has been made to a number of vehicular accidents in the vicinity of the junction with Rushton Road. However, there is little detailed evidence regarding the nature of these accidents.
22. Matters affecting private property rights and the maintenance of Shotwell Mill Lane are not matters for me to determine in the course of this appeal.

Conditions

- 23. I have had regard to the Council's suggested list of conditions. I have amended some of them for consistency or clarity.
- 24. In addition to the standard time condition relating to the commencement of development, a condition specifying the plans is necessary as it provides clarity. A condition restricting the external materials is necessary in the interests of the character and appearance of the area.
- 25. A condition restricting the number of individuals in occupation at the property is necessary to safeguard the living conditions of neighbouring occupiers.
- 26. A condition requiring the provision of parking and turning space is necessary to safeguard highway safety.

Conclusion

- 27. For the reasons given above, I find that the appeal scheme would accord with the development plan and therefore the appeal should be allowed subject to the conditions.

E Brownless

INSPECTOR