



Appeal Decision

Site visit made on 8 March 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/W3710/W/21/3285261

Camp Hill Dental Practice, 206 Camp Hill Road, NUNEATON CV10 0JL

- 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 Camp Hill Dental Practice against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 037834, dated 3 March 2021, was refused by notice dated 13 October 2021.
 - The development proposed is for Single storey extensions to front, side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extensions to front, side and rear at Camp Hill Dental Practice, 206 Camp Hill Road, Nuneaton CV10 0JL in accordance with the terms of the application, Ref 037834, dated 3 March 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Camp Hill Dental Practice against Nuneaton and Bedworth Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. During the determination of the application the proposal was amended to remove a two-storey side extension from the scheme. Therefore the description above is taken from the Council's decision notice which reflects the change. The appellant refers to the amended description in its Appeal Statement. As the Council determined the application on this basis, so shall I.

Main Issue

4. The main issue is the effect the proposal would have on the amenities of the area.

Reasons

5. The appeal site comprises a two-storey detached former dwelling in a predominantly residential area, with similar detached dwellings adjacent. The property is in use as a dental practice and has been for a number of years. On my visit I saw that the internal accommodation comprised a reception area, disabled toilet, treatment room, patient waiting room, a small storage room that was also a through corridor to a small kitchen for staff use on the ground floor. On the first floor, accessed by a narrow staircase, there were a further 3 treatment rooms and a storage room. Outside, the front was laid to tarmac and

I saw faint markings for two parking spaces. However, there was space on the tarmac frontage for a few more vehicles, depending how they are parked. There is a ramp to the front door. At the rear the 'garden' steps down from a small patio area and on the lower level there are two timber sheds, which I saw were in use for storage.

6. The proposal involves two extensions. A narrow single storey side extension, extending the depth of the property from front to back, would widen the ground floor treatment room and the store area thus enabling the creation of a separate store room. The single storey rear extension on the end of the existing waiting room would become a dedicated 'staff room'. As a result of both extensions, the ground floor internal space would be partly reconfigured and made less cramped for both staff and patients. The appellant advises that the Covid-19 pandemic and social-distancing requirements, coupled with the Practice's duty under the Equality Act 2010 and the Public Sector Equality Duty (PSED) that consequently came into force requiring steps to be taken to meet the different needs of groups of people, have had a bearing on the need for the proposed extensions.
7. The application was refused for being contrary to Policy BE3 of the Nuneaton & Bedworth Borough Plan (the 'Borough Plan') which is entitled 'Sustainable design and construction' and that the development would be detrimental to the amenities of the area. The Council's reason for refusal does not specify what amenities would be affected, but I shall use Policy BE3 as the basis of my assessment.
8. The first part of Policy BE3 requires development to be designed to a high standard, able to accommodate the changing needs of occupants, and be acceptable to and minimise the impact of climate change. I have no reason to doubt the extensions would be built to a high standard and have not been presented with any evidence that the development adversely affects climate change.
9. With regards accommodating changing needs of occupants, the premises already benefits from some provisions for disabled people with dedicated parking, an external ramp giving access to the front door, a ground floor toilet and treatment room. The appellant has not specified any particular requirements or shortcomings of the existing accommodation under the PSED, however the enlargement of the ground floor treatment room would make the premises more spacious and comfortable for all users. In addition, I saw the existing staff space was cramped and formed part of a through-route between a storage area, the kitchen and the sheds outside. Providing a dedicated staff room would therefore also improve conditions for staff.
10. The Council also cites the part of Policy BE3 that deals with 'Urban Character' and 7 listed characteristics. The reason for refusal refers to the development being detrimental to the "amenities of the area", without specifying which would be harmed. Nonetheless, taking a general dictionary definition, 'amenity' is often used to refer to the quality or character of an area and elements that contribute to the overall enjoyment of an area. The policy explains that development "must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, respecting the sensitivity to change of the generic character types within each urban

character". The Policy then requires development to then be reviewed against the 7 listed key characteristics, which I shall do below.

11. The current use of the building is a dental practice and the proposed extensions would not change this. There is no reference to characteristics 2-4, namely ownership/tenure, street layout and patterns of development. I find these are of little relevance in this instance as the dental practice already exists.
12. With regard to residential amenity, there would be no windows in either of the extensions, apart from 2 rooflights in the new staff room roof and a window to the front of the enlarged treatment room overlooking the car park. Nor would there be any new external doors from the extensions. Consequently, there would be no overlooking of neighbouring properties. However, I will impose a condition to prevent the addition of new doors and windows in the extensions to preserve the privacy of neighbouring occupiers. The proposal does not involve an increase in the number of treatment rooms or patients, so there would be no increase in comings and goings. I am also satisfied that the lack of new windows and doors and proposed use of the extensions will not cause any significant noise and disturbance to neighbouring residents. There is an existing compressor unit on the side of the building that would need to be relocated, so its new location and noise levels would need to be conditioned to protect residential amenity.
13. With regards plot size and arrangement, the floor area of the building and dental practice would be enlarged to improve existing facilities for staff and patients, and can be accommodated within the site. However, the side extension would involve the relocation of the bins and refuse storage to the other side of the property where there is space. The two sheds in the rear garden, currently used for storage, would no longer be required. A condition can be imposed requiring their removal to ensure that the site is not over developed with built form and structures.
14. The side extension would be built in very close proximity to the side elevation of the adjacent dwelling 204 Camp Hill Road (No.204). This elevation is blank at ground floor level and I note the concerns of the adjacent occupiers regarding maintenance of the side of their property and proximity to the electricity meter, which would probably need moving. However, this is a private matter between with the appellant and neighbouring occupiers.
15. The dental practice, with its four existing treatment rooms, already has limited on-site parking. I note the concerns of the Highways Authority and a number of third parties. However, the proposed extensions would not result in an increase in the number of treatment rooms, so there would not be an increase in the number of patients that could be treated at any one time and hence there would not be an increased demand for parking. A parking space to the side of the property would be reduced in size to provide the screened bin and refuse area. However, the dental practice is located in a residential area where patients could walk to it. I also saw that there was some parking at the nearby row of shops on the corner of Camp Hill Road and Chadwick Drive and there were bus stops in close proximity to the site. Furthermore, I have not been presented with any substantive evidence that parking issues are causing highway safety concerns.

16. With regards the built form of the proposed extensions, I saw that some of the adjacent dwellings had been extended. The proposed development would increase the floor area of the building, but the extensions are single storey and modest in size and design. They would be of brick and tile construction in materials to match the existing property. Their form and positioning on the building would ensure their massing and scale would not be out of keeping with the host property and there would be no adverse impact on the street scene.
17. To conclude, I find the size, scale and massing of the extensions would not harm the amenities of the area. Accordingly it would not conflict with Borough Plan Policy BE3, whose aims are outlined above.

Other Matters

18. I am aware the site has a protracted planning and enforcement history, including a number of appeal decisions. I have not been provided with the full details of each of these. Whilst other appeal decisions are material considerations, all decisions turn on their own particular circumstances based on the evidence before those Inspectors at the time. I must deal with the proposal before me on its own planning merits.

Conditions

19. The Council has suggested 7 conditions. I have considered them against the advice in the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and omitted others.
20. In addition to the condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning, I have included the standard condition which limits the lifespan of the planning permission to 3 years.
21. In the interests of the character and appearance of the area, I will impose a materials condition. In the interest of residential amenity I shall impose conditions for the relocation of any displaced external equipment/plant and bin storage area, and that no additional windows or doors shall be inserted in the elevations of the extensions.
22. A condition requiring only one treatment room on the ground floor is unnecessary duplication of the approved plans condition, as the approved uses for the rooms are clearly annotated.
23. The proposed extensions do not increase the number of treatment rooms or the number of patients that can be seen at any one time. Therefore a condition requiring the car parking space to the side of the property to be retained is unnecessary. I shall condition that the two sheds are removed, as already described above.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

K Stephens
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 approved plans: Location and Site Plan 2A, and Existing and Proposed Plans and Elevations Drawing No.1 Rev H.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed in any of the elevations of the extensions hereby approved.
- 5) Before any of the extensions hereby approved are first brought into use, the refuse bin storage area shall be provided and laid out as per the approved drawing No.1 Rev H. The area and its use for refuse bin storage shall be retained for this purpose so long as the use continues.
- 6) No external plant (including extraction units), relocated plant or new internal plant requiring external ventilation shall be installed until details of their location, maintenance schedule, details of expected noise output from the plant and details of any noise acoustic attenuation is first submitted to and approved in writing by the Council. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 7) Before any of the extensions hereby approved are first brought into use, the two sheds at the rear of the property shall be removed in their entirety from the site.