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## Appeal Decision

Site visit made on 5 April 2022

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 April 2022**

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**Appeal Ref: APP/Z2315/W/21/3288141**

**2 Healdwood Drive, Burnley BB12 0EA**

- 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 Mrs Yasmin Shah, Amal Care Group against the decision of Burnley Borough Council.
  - The application Ref: COU/2021/0423, dated 8 July 2021, was refused by notice dated 15 November 2021.
  - The development proposed was originally described as the 'change of use from C3 dwelling House to C2 Residential institution. Garage conversion, side extension, front porch and bay window, new fence and raised garden.'
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 dwelling House to C2 Residential institution. Garage conversion, side extension, front porch and bay window at 2 Healdwood Drive, Burnley BB12 0EA in accordance with the terms of the application, Ref: COU/2021/0423, dated 8 July 2021, subject to the conditions in the attached schedule.

### Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. During the course of the application, the proposal was amended so that the new fence and the raised garden were omitted. Hence, I have considered the proposal on this basis.

### Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of the nearest residential properties by way of noise and disturbance, in particular 4 Healdwood Drive (No 4).

### Reasons

#### *Character and Appearance*

4. The appeal property comprises a detached house with an attached garage to the side. To the front of the property is its driveway and a small garden area. There is a larger garden to the rear. The site frontage is unenclosed. The property borders a narrow footpath on one side and No 4 on the opposite side. Healdwood Drive consists of residential properties in an estate design that are

- set out in a planned layout. The surroundings are pleasant and typical for a residential area.
5. The proposal would involve providing a residential environment for those who are moving into independent living. There would be a maximum of 4 residents living in the extended dwelling. Whilst there would be a member of staff also on site, the onus would be on the residents to fulfil their own day to day activities, including when they would have appointments with health or social care professionals. Effectively, it would constitute a supported form of living.
  6. The Council are concerned that there remains insufficient evidence over the type of care to make an assessment, along with associated movements and the day to day operational activities. Whilst the information provided is not extensive, the proposal would constitute a modest operation with the size of the extended house. The information provided does allow for a reasonable consideration of how the proposal would impact on the area.
  7. With the number of residents and the member of staff, the number of movements would be unlikely to be appreciably greater than if a relatively large sized family occupied the extended dwelling. Even allowing for the movements to be independent to reflect the nature of the occupation, they would concern not untypical comings and goings associated with a residential property. Accordingly, the movements would be unlikely to detract from this relatively quiet location.
  8. In terms of the day to day operational activities, staff change overs would also be unlikely to detract from the local character with the modest scale of the proposal. Whilst there would be an element of it being a commercial business, it would be a type of residential use and is treated as such for planning purposes. The activities over the period of a day or a week need thus to be appreciated in that context, rather than as a continual commercial operation.
  9. In respect of deliveries and health care professionals attending, such activities are not unusual in quiet residential areas, even with regard to Use Class C3 dwellinghouses. The intended independence of the residents would in any event seem to limit some of these activities, with the emphasis being more on them to fulfil their needs.
  10. The appellant has provided some explanation over the level of care that would be required. Clearly, there are other regulatory regimes which deal with this matter and it is not the role of the planning system to duplicate such powers. It is not though unreasonable to impose a planning condition which relates to the proposed purpose within Use Class C2, so that related effects fall within the ambit of what has been considered in my decision. In taking this into account with the above matters, the intensity of the use would be moderate and there would not be a particular detrimental impact on the character.
  11. Interested parties have also raised character and appearance concerns over the proposed extension. It would though appear subordinate as it would be narrower than the existing house, set down in height from the main roof ridgeline and set back from the front elevation. The materials would also match the existing house. It would appear in keeping.
  12. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policy

SP5 of the Council's Burnley's Local Plan (2018) which seeks high standards of design through design and layout, including respecting existing, or locally characteristic street layouts, scale and massing, and townscape setting, amongst other design related matters.

### *Living Conditions*

13. No 4 is sited at a slightly lower land level than the appeal property. The nearest part of the associated house is its garage and the driveway access. There is a narrow footpath up to the shared boundary which provides access to its rear. The boundary itself is unenclosed to the front, and then enclosed by low fencing which also extends between the respective rear gardens of these neighbouring properties.
14. It would be intended that the front garden area of the appeal property would be modified to provide 3 off-street car parking spaces. As the proposed parking would be nearest to No 4's own driveway and garage, the noise and disturbance associated with the vehicular movements of what would not be an intensive use would not raise particular concern. The lack of enclosure towards the front of these 2 properties is therefore not decisive.
15. Beyond the comings and goings associated with vehicular movements, other interactions would be taking place principally within the appeal property itself. As it is detached from No 4, they would be unlikely to result in undue noise when considering the number of residents, the member of staff and occasional visits by other professionals. Consequently, that it would constitute a different pattern of activity than that associated with the use of a single household has a limited bearing. The use of the rear garden area would also be likely to be similar to if it was used by a single household, based on the number of residents. Hence, this would also not cause untoward noise and disturbance.
16. The other nearest residential properties are separated by the footpath to the side, No 4 itself or are on the opposite side of the road. With this separation, there would also not be undue effects on their occupiers.
17. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the nearest residential properties by way of noise and disturbance, in particular No 4. Accordingly, it would comply with Policy SP5 where it sets out that proposals are to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, amidst other matters.

### **Other Matters**

18. In terms of highway safety and having regard to the modest nature of the use, the 3 off-street car parking spaces that would be provided would be sufficient. There is not substantive evidence that the local highway network would not be able to accommodate any additional traffic, as well as associated manoeuvres if turning would not be possible within the site at times.
19. As I have found the proposal to comply with the relevant policy of the development plan, establishing Health Authority support is not a matter which needs to attract favour. The proposal concerns residential occupation, so whether it would be in contrast to that more commonly found in the area, namely families, retired people or others, does not alter my view that it would not be unacceptable with regard to the matters of dispute.

## **Conditions**

20. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purpose of certainty. I have also imposed a condition by way of the external materials to match the existing building. This is in order to protect the character and appearance of the building and the area.
21. I have also imposed conditions specifically related to the proposed use and excluding other uses within Use Class C2, and restricting the numbers of residents. This is in the interests of protecting both the local character and living conditions.
22. The Council requested a condition concerning a car parking plan. Having regard to the modest nature of the use, this is already shown on the related submitted drawing. I have however imposed a condition that requires its implementation and subsequent retention. This is in the interests of highway safety. I have also imposed a condition concerning the installation of an electric car charging point in the interests of reducing carbon emissions and combating climate change.
23. Where I have changed the wording of the remaining conditions put forward by the Council, I have done so in the interests of precision and without changing their overall intention.

## **Conclusion**

24. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

*Darren Hendley*

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: PCE-Amal Care Group-June-21-Location received 21/9/21, PCE-Amal Care Group-June-21-planning Revision A1 received 21/9/21
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The premises shall be used for specifically the purpose applied for and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 5) The development hereby permitted shall operate up to a maximum of 4 adult residents only at any one time.
- 6) The development hereby permitted shall not be occupied until the car parking spaces shall have been constructed in accordance with details shown on submitted plan no. PCE-Amal Care Group-June-21-Location received 21/9/21. The car parking spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the development and their visitors and for no other purpose.
- 7) The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed to serve the development and shall thereafter be maintained.