



Appeal Decision

Site visit made on 15 March 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 12 April 2022

Appeal Ref: APP/Y3425/W/21/3283763

Rowley House Nursing Home, 26 Rowley Avenue, Stafford ST17 9AA

- 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 Mr Taranjit Sanghera against the decision of Stafford Borough Council.
 - The application Ref 20/32128/FUL, dated 18 March 2020, was refused by notice dated 11 August 2021.
 - The development proposed is an extension over existing wing.
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Decision

1. The appeal is allowed, and planning permission is granted for an extension over existing wing at Rowley House Nursing Home, 26 Rowley Avenue, Stafford ST17 9AA in accordance with the terms of the application, Ref 20/32128/FUL, dated 18 March 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council's Design SPD (2018) requires a separation distance of 21m to safeguard privacy. While this proposal does not relate to a dwellinghouse, there is no substantive evidence to suggest the effect would be any different to a dwelling, given it is a residential nursing home. Therefore, I find the SPD to be suitable guidance against which to benchmark separation distances for privacy.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with respect to privacy and outlook.

Reasons

4. The appeal site comprises a detached building that is currently used as a residential nursing home. The surrounding area is residential and consists of a mix of dwelling types. The properties nearest to the appeal site are Nos 1, 2 and 3 Sandown Croft, and 27, 28 and 30 Rowley Avenue. These neighbouring properties are detached dwellings in spacious plots.
5. Permission is sought for a first-floor extension above an existing wing to create additional bedrooms. The footprint of the proposal would remain the same as the existing ground floor level, with the exception of a proposed 2-storey stairwell element.
6. The separation distances between the first-floor windows on the north elevation of the proposed extension, and the adjacent neighbouring property at No 30

Rowley Avenue, would be considerably greater than 21m, and therefore would exceed the minimum distance specified in the Council's Design SPD (2018) to safeguard privacy. The proposed extension would also be far enough away from No 30 to ensure that their outlook would not be harmed.

7. The rear elevation of the proposed extension would contain windows serving only a stairwell and a bathroom. Its separation distance from the front elevations of the neighbouring properties at Nos 27 and 28 Rowley Avenue would be sufficient in terms of privacy, as the proposal's rear elevation would not contain any principal windows to habitable rooms. The height and bulk of the proposed extension would not harm outlook to an oppressive degree and there is no potential for any harmful overshadowing.
8. Windows at first-floor on the proposed extension would face towards the side of the conservatory and rear garden of No 1 Sandown Croft. As the proposal would be approximately 21.5m from the side of the conservatory, this exceeds the minimum separation distance specified in the Design SPD (2018). The distance between the proposal and the rear garden is also sufficient, as the proposal would not abut the site boundary and there is a degree of separation created by the shared driveway of Sandown Croft, which would prevent direct overlooking. The proposal would therefore be sited far enough away to ensure that No 1 retained an adequate outlook and privacy, with no potential for any harmful overshadowing. Consequently, the effect of the proposal would not be significantly harmful to the occupiers of No 1.
9. Separation distances between the proposal and the neighbouring dwellings at Nos 2 and 3 Sandown Croft would exceed the Design SPD minimum distance. The proposed extension would also be sited far enough away to ensure that the dwellings retained an adequate outlook. Consequently, there would be no adverse effect on residents' living conditions in respect of privacy and outlook.
10. For the reasons given above, living conditions for residents surrounding the site would not be unacceptably harmed. The proposal therefore accords with Policy SP1, SP7, C3 and N1 of the Stafford Borough Plan (2014), where they seek to protect the amenity of neighbouring occupiers. The proposal is also compliant with Council's Design SPD (2018), which provides guidelines in relation to extensions.
11. In addition, the proposal would accord with the National Planning Policy Framework (Para 130) where it seeks a high standard of amenity for existing and future users.

Other Matters

12. Representations have been made about the car parking arrangements, including the ambulance parking bay. However, in their consideration of the revised parking layout, the Highways Authority concluded that the proposal meets the Council's parking standards and has not raised any highway safety concerns. From my assessment of the evidence, and what I have observed, I have no reason to disagree with the Highways Authority.
13. Third parties have raised concern about inaccurate block plan drawings. However, this has not been raised as an issue by the two main parties. In any event, as the proposal would be positioned on top of an existing structure, my

assessment of the proposal was not affected by any possible discrepancy in the block plan drawings.

14. There are trees on the site boundary, but the development would not come closer to them. Given the Council's Tree Officer comments that some works to trees would be required but no trees would be significantly impacted, there is no reason to conclude that harm would arise.
15. Third parties are concerned that the proposal would cause a loss of outdoor amenity space for the residents of the nursing home due to the relocation of bins and additional car parking spaces. However, the appellant has confirmed that the number of bins would not change and from my observations on site there was ample room for bin storage at the front of the property. With regards to car parking, the outdoor area to the rear already includes parking provision on a tarmacked surface. The proposal itself would not encroach onto the outdoor garden area that surrounds the rear building. Consequently, I consider there to be adequate outdoor amenity provision for the nursing home residents.
16. Noise disturbance and light pollution from the nursing home has been raised as an issue. However, there is no substantive evidence that there would be a material difference from the existing situation.
17. Concern has been raised about whether the development would result in over intensification of the site. However, the proposal would maintain a similar footprint to the existing ground floor building, and I have found that the availability of outdoor space would remain acceptable. Its overall height would be subservient to the main building. Therefore, the proposal would not erode the sense of spaciousness of the site or its ability to serve the needs of its residents.

Conditions

18. I have assessed the conditions put forward by the Council against the Framework (para 56), and I am satisfied that these conditions meet the tests. However, I have deleted conditions relating to construction management hours of work and hours of delivery, because these are covered in the Construction Environmental Management Plan.
19. I have imposed the standard time condition and the approved plans for reasons of certainty. In order to ensure a suitable quality external appearance, I have required that the external materials match those of the existing building.
20. A Construction Environmental Management Plan and a schedule of tree works are required to protect the visual amenities of the area, highway safety, and manage waste throughout the development works.

Conclusion

21. For the reasons given, having considered the development plan as a whole, the approach in the NPPF, and taken account of all other material considerations, I conclude that the appeal should be allowed.

Helen Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans, except where indicated by a condition attached to this permission, in which case the condition shall take precedence:
 - a. Site Location Plan (dated: April 2020)
 - b. Drawing No. G002621/04 – Existing floor layouts (dated: April 2020)
 - c. Drawing No. G002621/05 – Existing elevations (dated: April 2020)
 - d. Drawing No. G002621/06a – Proposed floor layouts (dated: April 2020)
 - e. Drawing No. G002621/07a – Proposed elevations (dated: August 2020)
 - f. Drawing No. G002621/08c – Proposed block plan (dated: June 2021)
- 3) The external finishes of the development hereby permitted shall match in colour, style, bonding and texture to those of the existing building.
- 4) No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include: details relating to construction access; hours of construction; delivery times and the location of the contractors compounds, cabins, material storage areas and contractor parking; and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall be carried out in complete accordance with the approved CEMP for the duration of the construction programme.
- 5) No development (including demolition) shall commence until a schedule of tree works has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in complete accordance with the approved details.

*****End of Conditions*****