



Appeal Decision

Site visit made on 9 August 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2022

Appeal Ref: APP/C1055/W/22/3297694

Westside Nursing Home, 90 Western Road, Mickleover, Derby DE3 9GQ

- 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 Kris Chettia of Westside Nursing Home against the decision of Derby City Council.
 - The application Ref 22/00042/FUL, dated 3 January 2022, was refused by notice dated 3 March 2022.
 - The development proposed is a single storey rear extension to nursing home.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to nursing home at Westside Nursing Home, 90 Western Road, Mickleover, Derby DE3 9GQ in accordance with the terms of the application, Ref 22/00042/FUL, dated 3 January 2022, 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: Ordinance Survey Existing Block Plan, Ordinance Survey Proposed Block Plan and, Proposed Layouts.
 - 3) The development hereby permitted shall be carried out in external materials which, as closely as possible, match those external materials on the existing building.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area and, (ii) the living conditions of neighbouring occupiers at Chatsworth Drive.

Reasons

Character and appearance

3. The appeal site is located at the junction between Poppyfields Drive and Western Road, it contains a former dwelling, in a traditional style, which has been significantly extended and converted to provide a nursing home. The extensions are primarily of a single-storey with hipped roofs. To the rear of the site is a garden area which separates the building from the properties on Chatsworth Drive. The proposed extension would infill part of this garden area.

4. The host building, including its extensions, are visible from Poppyfields Drive where the single-storey extensions primarily appear as rooftops over an existing closeboard fence. The extensions taper down from the two-storey roof over the former dwelling towards the rear of the site where the hipped roofs are at their smallest. The proposed extension includes a flat-roof with a small roof-lantern, this would reflect and respect the existing roof forms and hierarchy. Although the proposal would add to the sense of sprawl across the site, this is a characteristic of the site already and the proposal, by way of its limited size and height, would not be an unacceptably prominent or intrusive addition to it. Moreover, the proposal would not so significantly erode the open spaces around the host building that it would result in the site appearing cramped.
5. As the host building is so significantly different to the surrounding development with regards to character and appearance, I do not find that it contributes to the appreciation of the character or appearance of the surrounding area. Therefore, whilst the proposal would result in the further enlargement of the existing building it would not unacceptably harm the appreciation of the surrounding area.
6. Therefore, in light of the above, the proposal would not harm the character and appearance of the surrounding area as a result of the size, positioning or cumulative appearance. The proposal would therefore comply with Policies CP3 and CP4 of the Derby City Local Plan – Part 1 Core Strategy (the CS, January 2017) which require, amongst other matters that development is of a high quality design that is commensurate, and responds, to its context. It would also comply with Chapter 12 of the National Planning Policy Framework (the Framework), including Paragraph 130 which seeks for developments to be sympathetic to, and maintain, a sense of place.

Living conditions

7. The appeal site, as noted above, is a nursing home, consequently I find that the type of activities and movements associated with the site would largely be domestic in nature. However, I note given the scale of the use, as well as the likelihood of supportive and medical care, that the level of noise would be greater than typical for a domestic site.
8. The proposed extension would include the provision of one sun-lounge, one bedroom and toilets serving the two rooms. I find it unlikely that the bedroom or toilets would produce a level of noise greater than is typically expected of a domestic setting, as such these rooms would be no more intrusive or disruptive to the neighbouring occupiers than the other, existing, residential dwellings in the area.
9. The sun-lounge, as a communal space, would likely produce higher noise levels as it would likely be used for watching television, listening to music, carrying out activities and general socialising. Given the number of occupiers associated with the site, the noise generated in this room is therefore likely to exceed the noise levels typical of a purely domestic communal space, such as a living room. Nevertheless, the nature of the noise would be similar to a domestic living room and the scale of the sun-lounge would limit the number of people that could use it or contribute towards noise generation. Therefore, and given the separation from the boundary and neighbouring dwellings, the likely levels of noise would not be so significant as to be unacceptable.

10. This is especially so given that the sun-lounge would replace part of the outside amenity space. Whilst currently set up for the drying of clothes, this area could as easily be used for activities with, or socialising amongst, residents. This area, therefore, has the potential to at least generate similar levels of noise which would not be attenuated by way of being inside. In considering this I am mindful of the noise which may escape the windows and door which face towards the boundary with Chatsworth Drive.
11. Although any care associated with future occupiers may increase the noise from these rooms, it is unlikely to be regularly noisy in nature, or so noisy as to affect the living conditions of neighbouring occupiers.
12. I therefore find that the proposed extension and associated use would not unacceptably affect the living conditions of the neighbouring occupiers. The proposal would therefore comply with saved Policy GD5 of the City of Derby Local Plan Review which requires that developments do not cause unacceptable harm to the amenity of nearby areas, including with regard to noise. The proposal would also comply with the Framework, including Paragraph 130 where it requires developments to have a high standard of amenity for existing and future users.

Other Matters

13. I note the concerns raised by neighbouring occupiers as to the practicality of carrying out the works, and as to whether access would be required via private land. However, these matters are private matters for the appellant or developer to consider.

Conditions

14. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
15. For certainty, I have set out the standard time limit for the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. A further condition is necessary to ensure that the external materials of the development match those of the host building in the interests of the character and appearance of the surrounding area.
16. However, it is unnecessary to impose a condition limiting the uses of the permitted rooms as I find it is unlikely that any room associated with the care home would result in significantly greater noise levels than those permitted here, and I have found these will not cause unacceptable noise or disturbance.

Conclusion

17. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR