



Appeal Decision

Site visit made on 13 January 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/J0540/W/22/3299627

Garden Lodge Residential Care Home, 37A Lincoln Road, Glington PE6 7JS

- 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 Garden Lodge Residential Care Home against the decision of Peterborough City Council.
 - The application Ref 21/00563/FUL, dated 12 April 2021, was refused by notice dated 24 November 2021.
 - The development proposed is extension and alterations to existing nine bedroom care home, and addition of a separate fourteen bedroom unit to create twenty four bedrooms across two units.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refused permission on three grounds. At appeal, the Council has indicated that it is no longer contesting the third reason for refusal in respect of noise and disturbance following the submission of additional technical evidence by the appellant. However, in view of the concerns raised by interested parties in this matter, I shall still consider it as a main issue of the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The suitability of the proposed access and the effect on highway safety;
 - The effect on the living conditions of neighbouring occupants with respect to noise and disturbance.

Reasons

Character and Appearance

4. The appeal relates to an existing care home located on a backland site to the rear of residential development on Lincoln Road. It comprises a single storey L-shaped building to the front corner of the site, with parking and turning areas in front. A garden area is laid out to the rear, with a larger area laid to grass on the northern side. The proposal seeks extensions to either end of the existing building and a new, detached single storey block built over the grassed area.
5. The area surrounding the appeal site is characterised by linear, low density development with dwellings sitting on long, narrow plots, particularly those on Lincoln Road. The single storey scale and corner position of the existing care

home within the site maintains a significant degree of openness which extends to the adjacent land to the north forming part of 55 Lincoln Road and to the open countryside beyond. This adds to an overall sense of space and tranquil character to the rear of dwellings on Lincoln Road. Several of the dwellings to the rear of the site on Elm Crescent are screened by a tall, solid line of evergreen trees, but the open character of the site is clearly visible from No 48 onwards due to the lack of boundary screening on the northern side.

6. The proposed extensions to the existing building would be proportionate additions to either end that would not significantly alter its overall scale or design, maintaining the modest, L-shaped form and the openness of the wider site. However, the proposed building would occupy a substantial footprint in excess of that of the original building. Though technically detached, it would be separated only by the width of a narrow passage, and would effectively create a single, expansive structure across the width of the site that would extend close to the boundaries on three sides. Consequently, and notwithstanding its single storey height, the building would form a dominant structure that would be conspicuous in views from neighbouring dwellings to either side of the site.
7. The appellant argues that the land is underutilised by the existing care home, and that sites of such size would be expected to accommodate development of some 60 bedrooms, albeit over two storeys. However, the suitability of a site is not solely determined on density calculations, and in this case, the character is not one of close knit, high density urban fabric, but lower density, village housing. The proposed building would maintain the existing single storey scale, and I recognise that the proposed site coverage, at 34%, would allow space for ancillary facilities and garden areas. However, much of this space would be enclosed by the U-shape of the proposed development, with the massing of the buildings concentrated to the site perimeter where they would exacerbate the perceived scale and site coverage and create the greatest visual impact.
8. New landscaping is indicated to help screen views of the development, but this would either not wholly prevent views of the development if consisting of low fencing or hedging, or if taller would potentially form a separate visual barrier that would detract from the openness of the site, similar to the existing line of trees to the Elm Crescent boundary that I note are a source of concern for residents due to their height. The plans before me also indicate there would be gaps at points around the perimeter where landscaping is not proposed and where the buildings would be visible from neighbouring properties. As such, I do not consider that landscaping would sufficiently mitigate the harm identified.
9. For these reasons, the proposal would fail to preserve the character and appearance of the area, contrary to Policy LP16 of the Peterborough Local Plan (2019) (the PLP) and Policy GNP3 of the Glington Neighbourhood Plan (July 2021) (the GNP) which together require development to positively contribute to the character and local distinctiveness of the area and create a sense of place, including through respecting local patterns of development, building form, size, scale, density and existing views into, out of or through the site.

Access and Highway Safety

10. The site is accessed from Lincoln Road along a single width lane to the side of No 37. This lane also serves additional backland dwellings at Nos 35A and 37B, the latter a new build dwelling as yet unoccupied at the time of my visit.

11. The proposal would increase the number of residents and with it the number of staff, visitors and deliveries to the facility. The Council's concern is that the access lane is not adequate for the level of activity proposed, as it is not wide enough for two cars to pass safely. Works to widen the lane to allow two way traffic at the entrance and along most of its length form part of the planning permission for the dwelling at No 37B, but these are yet to be implemented.
12. At 3.7m to 4.5m wide, and enclosed by walls and fencing, the existing lane is not wide enough to support two way traffic. The appellant has sought to amend the red line of the appeal site at a late stage in the appeal process; however, the new red line appears to incorporate additional land at the site entrance which was not previously marked in blue. As such, there is no evidence that this land is within the appellant's control, and no indication that any other landowner has been notified of the inclusion of their land in the application. Consequently, I have not accepted this drawing into evidence and have considered the proposal as originally made and consulted upon by the Council.
13. The appellant's evidence indicates that the existing 10-bed care home generates some 22 two-way vehicle trips between 7am and 7pm, whilst the proposed 14 bedrooms would generate an additional 31 trips, an increase of some 140%. This would include an increase of some 4 vehicles per hour in the AM peak, no increase in the PM peak, and a maximum increase of 11 vehicle movements between 2pm and 3pm due to staff changeover. A projected total of 53 movements in 12 hours would equate to less than 4.5 vehicles per hour. However, movements would be clustered at certain times and unplanned or occasional access may also be required for deliveries, maintenance or emergencies. The three dwellings would generate further trips beyond the control of the appellant. There is also no separate footpath for pedestrians to navigate the access lane.
14. Despite the appellant's reference to potential situations within the Manual for Streets (MfS) where narrower widths may be appropriate, the lane would not be wide enough for two vehicles to pass side-by-side without severe risk of collision or striking the boundary treatments on either side. The narrow width of the entrance and presence of fencing also means it is difficult to see whether a vehicle is leaving the site before entering the lane. As a result, vehicles may meet within the lane, forcing awkward reversing manoeuvres, potentially back onto the public footpath or into the carriageway on Lincoln Road, where vehicles would have to wait to allow a departing vehicle to leave, increasing the risk of conflict with other vehicles, cyclists or pedestrians. Given the physical layout, I am not persuaded that signage would prevent this situation arising.
15. Therefore, whilst the lane may meet the MfS width for a vehicle and pedestrian to pass, I do not regard this arrangement as satisfactory for a business seeking to significantly expand its operations and increase use of a lane also serving private residences and where there would be increased risk of conflict on Lincoln Road, which according to the appellant's transport statement has constant two-way traffic flows averaging 386 vehicles per hour across the day, equivalent to one vehicle every 10 seconds, a rate which tallied with my own observations on site. I am not also persuaded that the appellant's intentions to stagger appointments would be practical, given the administrative burden it would create, but also as the potential for unplanned trips would still exist.

16. It is evident from the planning permission for the development of No 37B that the width of the road was a concern for the Council even when a single additional dwelling was proposed. Whilst widening of the lane is required under this permission, I have no evidence as to when this may occur. In any event, it is for each proposal to address its own impacts rather than rely on external factors beyond their control. Importantly, the evidence before me suggests that the works required under the permission for No 37B involve taking a strip of land from the garden of No 37. So far as I am aware, the appellant does not have control of this strip of land, and without this there is not sufficient physical space within the land that is under the appellant's control, as denoted by the red line, to widen the lane to a satisfactory size for two way vehicular movements. Therefore, I am not satisfied that works to widen the lane could be required by condition to overcome the harm identified.
17. Consequently, I conclude that the proposal would result in additional vehicular traffic along a substandard access lane that would increase the risk of conflict with other vehicles and pedestrians, and lead to unsafe manoeuvres or waiting by vehicles in the carriageway or over the public footpath on Lincoln Road, interrupting traffic flows and harming the safe operation of the highway network. Therefore, the proposal would have an unacceptable impact on highway safety, contrary to Policy 13 of the PLP, in terms of its requirement that appropriate provision has been made for safe, convenient and sustainable access to, from and within the site by all user groups. There would also be conflict with the National Planning Policy Framework (the Framework), which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Noise and Disturbance

18. The Council's third reason for refusal was in respect of the effects on neighbours' living conditions from noise caused by traffic using the access lane. I have had regard to a noise assessment submitted by the appellant and the representations of interested parties on this issue.
19. The assessment concludes that the increase in ambient noise level would be 'not significant' most of the time, except for a 'slight/moderate' impact for the receptor at No 37 between 9:30pm and 10:30pm, but with an overall result of 'Lowest Observed Adverse Effect Level'¹ having regard to the receptor's position close to existing traffic noise on Lincoln Road. Further assessments also returned results of 'No Observed Effect Level;' in other words that there would be no detectable effect on health or quality of life due to the noise. The Council's Environmental Health department has accepted these conclusions.
20. I have no contrary evidence to challenge these findings. I recognise that nearby occupants may still perceive the impacts of additional vehicles more acutely, and cumulative impacts may occur alongside the effects of vibration, or should unexpected vehicle trips take place during unsociable hours. However, the evidence does not indicate that this would occur at a level that would cause material harm to neighbours' living conditions. Therefore, I find no conflict with Policy LP17 of the PLP which requires that development should not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties, or the similar aims of the Framework.

¹ Criteria set out in the Noise Policy Statement for England (2010)

Other Matters

21. The Council assessed the effects of the proposals on surrounding properties in terms of outlook, privacy and light. I observed the location of surrounding dwellings on site, along with the existing boundary treatments. Noting the separation distances in each case, and the single storey scale of the proposal, I am satisfied that it would not cause an unacceptable degree of enclosure or overshadowing to any surrounding dwelling. Moreover, new windows and doors would be at ground floor level and would not give rise to invasive overlooking of neighbouring dwellings given intervening distances and boundary treatments.
22. I note other concerns raised in respect of matters including surface water runoff, drainage capacity, effects on wildlife and maintenance of trees. I also note the Council's conclusions in respect of these and other matters, including the standard of accommodation to be provided, land contamination and archaeology. Ultimately, I do not have persuasive evidence in these other matters that raises further material benefits or harms to be factored into the planning balance. As these matters would not alter the overall outcome of the appeal, it is not necessary to address them in further detail.

Planning Balance and Conclusion

23. I find that the proposal would harm the character and appearance of the area and would create conditions harmful to highway safety. This would result in conflict with the development plan, to which I afford significant weight.
24. I acknowledge the comments of the Council's Adult Social Care Commissioners that the existing facility is in need of refurbishment, but that it would be difficult to maximise efficiencies with only nine rooms, and that without alterations, the service would not be sustainable in the future. I also recognise a level of local support for the proposals which testify to the high standard of care offered by the care home. However, I have no substantive evidence that the viability of the business is at risk, nor has it been demonstrated that the appeal scheme is the only manner in which the facility could be refurbished or expanded. Nonetheless, there is support for elderly care facilities under Policy LP8 and the scheme would deliver important benefits in terms of new facilities, which merit considerable weight in the planning balance.
25. There would also be economic benefits arising from the construction of the development, and subsequently from the additional business and employment it would generate, including indirectly for local suppliers. Having regard to its overall scale, I afford moderate weight to this in the planning balance.
26. However, taken cumulatively, these benefits would be insufficient to outweigh the significant conflicts identified with the development plan, and they do not point to planning permission being granted in spite of these conflicts. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR