



Appeal Decision

Site visit made on 2 May 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2023

Appeal Ref: APP/Q4245/W/23/3314840

Oakfield Croft Care Home, 1 Oakfield, Trafford, Sale M33 6NB

- 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 Care UK against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 108849/FUL/22, dated 4 August 2022, was refused by notice dated 31 October 2022.
 - The development proposed is stated on the application form as "Part retrospective application for plant and part full application for the installation of an acoustic enclosure."
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted for a 60-bedroom care home in 2017 which has since been built and occupied. The appellant's evidence suggests that the care home has been open since 2020 and the air conditioning plant was installed prior to opening.
3. Notwithstanding the description of development set out in the banner heading above, it is clear from the plans and information submitted that the scheme before me is for the installation of air conditioning plant, the installation of an acoustic enclosure and the erection of a section of hit and miss fencing. The Council dealt with the proposal on this basis and so shall I.
4. From the evidence submitted, and from my site visit, the proposed development has commenced in that the air conditioning plant has been installed. I have, therefore, dealt with the appeal on a part retrospective basis.
5. Therefore, against this background I consider the main issues are the effect of the scheme on the:
 - Character and appearance of the existing building and the surrounding area; and
 - Living conditions for the occupants of the care home, with particular regard to access to the building and the space around it.

Reasons

Character and appearance

6. Oakfield Croft Care Home is a three-storey red brick building with dark grey window and door frames and dark grey roof. The principal elevation and entrance face into the site, towards the car park, with secondary elevations facing towards Oakfield, Washway Road and the junction. Landscaped gardens, a hedge and metal railings sit in between the building and the roads. Vehicular and pedestrian access to the site is from Oakfield.
7. Washway Road is a major road of predominately mixed commercial uses with occasional residential buildings. The care home occupies a corner plot on the junction with Oakfield which is a residential street. The small cul-de-sac of Walnut Grove lies just beyond the care home. The rear gardens of the two-storey houses on Walnut Grove back onto the care home with close boarded fencing on the boundary. The area has a mixed character with the care home being on the corner of commercial and residential areas.
8. The air conditioning plant has been installed on the gable end elevation of the existing building, at ground floor level, adjacent to the access to the site and closest to the houses on Walnut Grove. The plant installed is not on the principal elevation and, therefore, complies with the guidance on page 135 of The Trafford Council, Trafford Design Guide, Delivering Sustainable Buildings, Neighbourhoods and Places, June 2022, (TDG).
9. Notwithstanding the appellant's assertion that the existing hit and miss fencing is approved, through the application to determine the details reserved by condition, I noted discrepancies between the evidence provided relating to the height of the approved fencing and the height of the fencing as built. However, the appeal before me proposes means of enclosure as part of the scheme, including a section of hit and miss fencing.
10. The short section of hit and miss fencing would be limited in width and screened from public views by the acoustic enclosure. The air conditioning plant would also not be visible once the means of enclosure is erected. However, the acoustic enclosure itself would be highly visible.
11. Although it would be finished in a colour to match the existing window and door frames the proposed acoustic enclosure would result in a substantial, dark grey, block attached to the existing red brick building. The height is higher than the top of the ground floor windows, it projects out from the side of the building and is flat on top. The scale and appearance of the acoustic enclosure is, therefore, not in proportion with, or complementary to, any of the existing features on the building or the design of the existing building.
12. It is not a well-designed solution to the need to screen the air conditioning units and, even if I were to accept that the scale of the enclosure could not be reduced without reducing its acoustic benefit, I have limited evidence before me that this is the only means of enclosing the air conditioning units, notwithstanding the appellant's statement. The proposal before me would be incongruous and a utilitarian, alien, feature attached to the outside of what is a well-designed building. The proposal would, therefore, detract from the character and appearance of the existing building.

13. The acoustic enclosure, albeit on a side elevation, is also prominent in views from the entrance to the site, from immediately outside the site, and from the first-floor windows of the neighbouring properties on Walnut Grove. The visual effect of the incongruous feature added to the side of the care home would not enhance the street scene or the character of the area. The scale of the enclosure is not in proportion with any other part of the building and results in a stark addition which would be harmful to the character and appearance of the area.
14. For these reasons, I find that the scheme would harm the character of the existing building and the immediate surrounding area and would, therefore, conflict with Policy L7 of the Trafford Council, Trafford Local Plan: Core Strategy, Development Plan Document, January 2012 (CS), which, amongst other matters requires the design of development to improve the character and quality of an area through appropriate scale, massing and materials.
15. For the same reasons, it would also not meet the aims of the National Planning Policy Framework (the Framework) in regard to creating high quality places which are visually attractive and of good design.

Living conditions of care home occupants

16. The air conditioning plant and fencing has been installed on the paved route from Oakfield to the front entrance door of the care home, between the building and the main vehicular access. The proposed acoustic enclosure would enclose more of the paved route than the existing hit and miss fencing. Even if I were to take the Council's figures, as the worst-case scenario, this would reduce the width of this section of the paved route to approximately 1m to 1.2m wide, for a length of approximately 6.4m.
17. Both main parties have referenced the Department of Transport "National Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure" (2021) (Inclusive Mobility Best Practice) and advice regarding the width of footways and footpaths. The TDG also supports designs which promote walking and the creation of developments that can be used by everyone. BS 8300-2:2018 "Design of an accessible and inclusive built environment" (BS), as referred to by the Council, gives recommendations to accommodate as wide a range of users as possible.
18. The care home was designed to be inclusive and accessible to all anticipated building users and there is access to communal landscaped areas and facilities in accordance with the TDG and the BS. I saw at my visit that there is an alternative route around the building, through the care home gardens. However, although it would be pleasant, the alternative route would be further to walk than the route past the air conditioning plant. The presence of the gardens and the routes within the gardens does, however, provide areas for the occupiers of the care home to enjoy outdoor space.
19. Although the length of the reduced section would be longer than the maximum length of a path as advised in the Inclusive Mobility Best Practice the additional length of reduced section would be small. Moreover, the path is within the care home site and is straight at this point. Anyone about to use the reduced section would see other users and be able to wait in the wider sections, if required. I have no substantive evidence before me that users would be likely to step off the path onto the vehicular access and there is still a path available for use.

Furthermore, although the path is the main route to the public highway footpath the appellant advises that residents do not regularly leave unattended. The length of the reduced section would not be unreasonable given the potential use and the wider sections either side.

20. Moreover, the path would continue to be wide enough for a wheelchair and would continue to provide access from the care home to the public highway for all users, including those with mobility difficulties. The path would continue to be clear, direct and clutter free, in accordance with the advice on page 136 of the TDG. The proposed development, therefore, would not have an adverse effect on the living conditions of the occupants of the care home.
21. For the above reasons I, therefore, find that the development before me would continue to provide acceptable living conditions for the occupants of the care home, with particular regard to access to the building and the space around it. The proposal therefore complies with the aims of Policy L7 of the CS in requiring development to be accessible and usable by all sections of the community and provide good connections within the site and to the adjoining areas.
22. The scheme also complies with the TDG in providing inclusive accessibility around the site and with the relevant sections of the Framework and the National Design Guide in terms of accessibility to, and function of, the care home and the living conditions of the residents of the care home.

Other matters

23. The appellant claims that the air conditioning is required for heating and cooling to comply with guidance provided by the Care Quality Commission and is vital for the vulnerable and elderly residents. As such there is the potential for my decision to affect persons with a protected characteristic. In determining the appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equalities Act 2010, and the three aims of the Equality Duty.
24. However, the provision of the air conditioning units is to provide acceptable living conditions for the occupants of the care home, rather than because of any specific characteristic protected under the PSED. Moreover, although both main parties accept the need for air conditioning units, and that the principle of adding air conditioning is acceptable, this does not automatically indicate that the location of the plant is acceptable too. For the above reasons I have found harm to the character and appearance of the building and the area which is a direct result of the air conditioning plant being installed on the side elevation of the building.
25. The appellant also assert that it would be unfeasible for the air conditioning plant to be re-located and that this would require both substantial work to the building and would require the care home to close, effecting residents and staff. However, although the appellant has made this statement there is little evidence to support this claim.
26. There is no substantive evidence before me to show that the air conditioning plant needs to be positioned in the location it has been installed, or that the most appropriate form of air conditioning plant has been provided, given the location of the plant. Moreover, there is little evidence to show that the acoustic barrier needs to be of the design, materials and colour finish as

proposed. As such, although the air conditioning provides a benefit to the occupants of the care home, including those with protected characteristics, this does not outweigh the significant harm I have identified above.

Conclusion and planning balance

27. Whilst I acknowledge the benefit to the occupants of the care home from the provision of the air conditioning plant, and the benefit to both the care home residents and the occupants of the neighbouring properties from the reduction in noise levels that the acoustic barrier may achieve. The fact that the air conditioning plant is already in place is not justification for allowing a development which results in substantial harm to the character and appearance of the building and the area. Moreover, none of the material considerations which have been brought to my attention, including the need to consider the protected characteristics of the residents, outweigh the harm I have identified.
28. For the reasons given above I have found that, although the proposal would not have a significant adverse effect on the living conditions of the occupants of the care home, in regard to access to the building, due to the adverse effect on the character and appearance of the building and the surrounding area the proposal is contrary to the development plan, as a whole, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR