



Appeal Decision

Site visit made on 5 December 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/R0660/W/23/3323267

Wilmslow Manor Care Home, 51 Handforth Road, Wilmslow SK9 2LX

- 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 J P Singleton of Newcare (Handforth) Ltd against the decision of Cheshire East Council.
 - The application Ref 22/4163M, dated 20 October 2022, was refused by notice dated 31 March 2023.
 - The development proposed is a three-storey side extension to existing care home to provide an additional three bedrooms.
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Decision

1. The appeal is allowed and planning permission is granted for a three-storey side extension to existing care home to provide an additional three bedrooms at Wilmslow Manor Care Home, 51 Handforth Road SK9 2LX in accordance with the terms of the application, Ref 22/4163M, dated 20 October 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: LP rev B, P1-06, P1-07, P1-08, P1-09 and P1-10 rev B
 - 3) The external surfaces on the development hereby permitted shall be constructed in materials that match those of the host building.
 - 4) Any exterior lighting associated with the development hereby permitted shall be capped in such a way as to prevent any upward light spill.
 - 5) With the exception of clear and obscure glass, no reflective materials, including solar photovoltaic panels, shall be added to the development hereby permitted.

Applications for costs

2. An application for costs was made by Mr J P Singleton of Newcare (Handforth) Ltd against Cheshire East Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on; (i) the character and appearance of the host building and surrounding area; and, (ii) the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

4. The appeal site contains a large, detached building serving as a purpose-built care home. The building is set back from Handforth Road by a car park and there are a number of trees to the sides and rear of the site. There is a public footpath along the side of the site where the extension is proposed and the land drops away beyond the footpath towards Swale Close. The surrounding area is predominantly residential and characterised by a variety of building styles.
5. The proposal is for the erection of a three-storey extension to the side of the property towards the rear. It would provide one additional bedroom on each floor with a window facing out, away from the building. It would be finished in a black brick and topped by a hipped roof.
6. It is clear that the design cues of the proposed extension, including the materials, fenestration and roof type, have been taken from the host building. Moreover, the extension would, with regard to its scale and height, be subservient to the host building. To this extent therefore, I do not find that it would disrupt the design of the building.
7. I recognise that the proposed extension has no windows on either side elevations, and therefore would present a blank elevation towards both the front and rear of the site. However, given the presence of mature trees and the distance of the proposal from the front and rear of the site, this would only be readily legible from the public footpath. Nevertheless, even here I find that the blank walls would not be so intrusive over the tall boundary fence, as to be detrimental to the character and appearance of the building or erode its contribution to the wider area.
8. The edge of the site is not parallel to the host building. Consequently, the gap between the proposal's location and the edge of the site is much wider than elsewhere. Given this and the trees adjacent to the site, the extension would be softened in views from Swale Close and Welland Road. Moreover, in views from this direction the extension would be seen within the envelope of the existing building.
9. In conclusion, the proposal would not harm the character and appearance of the host building or surrounding area as a result of its scale, depth or design. The proposal would therefore comply with Policy SE1 of the Local Plan Strategy 2010-2030 (the LPS), Policy GEN1 of the Site Allocations and Development Policies Document (the SADPD), and Policy H2 of the Wilmslow Neighbourhood Plan (the WNP). These policies collectively, and amongst other matters require that developments are of a high-quality design that positively contribute to the local character, design and sense of place.

Living Conditions

10. The proposed extension would project away from the building close to the windows serving bedrooms 011, 115 and 211 which are on the ground, first and second floors respectively. As part of my observations on site, I was able to view the proposal location from bedroom 115. I find that the view from this bedroom would be representative of the flats above and below.

11. The outlook from these windows is open and attractive, allowing views of the home's garden, the neighbouring trees and the landscape beyond. Although some views of the houses on Swale Close are afforded, this is softened by the trees, boundary fence and, change in land levels which collectively direct views over these buildings.
12. Given the depth of the projection away from the host building, the extension would be visible from the windows serving bedrooms 011, 115 and 211 as well as, to a lesser degree, 010, 114 and 210. From these windows the extension would close off the outlook towards the left, and from windows 011, 115 and 211 would present a somewhat heavy feature when looking forwards from the windows. Nevertheless, it would not be so significant as to be an overbearing feature unacceptably affecting the outlook from any of these windows to the detriment of the living conditions of future occupiers.
13. It is likely that views of the extension would be possible from other windows on this side of the property, including the side windows serving bedrooms 012, 116 and 212. However, the extension would be at such an acute angle and so distant from these additional windows as to not affect the outlook.
14. Although raised above the properties on Swale Close by way of the land levels and proposal's height, it would not extend closer, and would be lower in height, than the host building. As such, I find that the proposal would have no greater overbearing impact on neighbouring occupiers. Moreover, given the distance and angle between the proposed windows and neighbouring properties, as well as the trees, fences and changes in land levels, I do not find that there would be any unacceptable increase in overlooking to the properties on Swale Close. In all therefore, I find that the living conditions of neighbours on Swale Close would not be harmed as a result of this proposal.
15. Given the small scale of the proposal, any disturbance and noise generated by the development works would be short-lived. Moreover, should residents of the care home be affected by the works, I find that the care home would be able to mitigate this.
16. The proposal would not, by way of its siting and relationship to neighbouring windows and dwellings, unacceptably affect the living conditions of residents at the care home or of neighbouring occupiers. The proposal would therefore comply with LPS Policy SE1 and SADPD Policy HOU12 which both seek, amongst other matters, to protect the living conditions of residential occupiers from overbearing impacts and the loss of privacy.

Other Matters

17. Although the proposal would incorporate three new windows which would produce light, the potential for light pollution is existing and so any increase would be very modest given the scale of the scheme. I am also mindful of the potential effect of lights on the air traffic route to Manchester Airport. Conditions have been suggested to this extent and I have considered them further below.
18. A need, or lack of need, for additional bedrooms is not particularly relevant or determinative to the issues upon which this case turns. I similarly note concerns as to the whether materials could be delivered and stored on site but have no reason to find it would not be possible.

19. At the time of my visit the car park on site was full and some vehicles were not parked in formal parking spaces. My visit can only provide a snapshot in time and whilst I cannot be certain whether this is typical, I note the anecdotal evidence from interested parties which suggests it is. However, during my visit, I noted that a number of the surrounding roads, including Handforth Road, do not have any parking restrictions. I find that these could accommodate any potential increase in parking associated with the proposed development. I have no reason to believe that people would park illegally as a result of the proposal.
20. Reference has been made to highway safety and a serious collision with a cyclist. The proposal is likely to result in additional needs for parking and vehicular movements to and from the appeal site. However, given the small scale of the proposal the potential increase to on-street parking and movements would not be so significant as to unacceptably impact highway safety.
21. I note concerns that the proposal is being used to manipulate the planning system, and that a previous decision was refused and later dismissed at appeal for a larger care home. The planning system allows for permissions to be modified and for buildings to be extended or altered where decision-makers find no harm. I have no evidence before me that this system is being manipulated and moreover, I must consider all proposals on their own individual merits.

Conditions

22. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
23. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
24. It would similarly be necessary to impose a condition requiring the external materials to match those of the host building so as to ensure that it is in keeping and doesn't adversely affect the appearance of the surrounding area. Although the Council have suggested the material be in line with those identified on the submitted plans, the plans do not specify the proposed materials.
25. Comments have been received from Manchester Airport raising potential concerns given the relationship between the appeal site and the airport. They have suggested restrictions to exterior lights and reflective materials on the extension. I find that conditions controlling these matters would be necessary to ensure the safety of aircraft using the flightpath to and from the airport.
26. However, the host building is already present and is surrounded by gardens and mature trees. As such I find it likely that birds could already be present at, or near, the appeal site. Given this and the scale of the proposal, it would be overly onerous and unnecessary to require the submission of a bird hazard management plan.

27. I understand from the submissions before me that the host building was finished only recently, the proposed extension would also affect land that is close to the existing footprint of the host building. I therefore find it unlikely that any unidentified contamination would remain. Consequently, a condition regarding potential contamination would be unnecessary.

Conclusion

28. There are no material considerations that indicate the appeal 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