



Appeal Decision

Site visit made on 3 July 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/M4320/W/23/3335572

8 Glenpark Drive, Southport, Sefton PR9 9FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Joanne Cowens against the decision of Sefton Council.
 - The application Ref is DC/2023/01683.
 - The development proposed is the change of use of the property from residential (Use Class C3) to residential care (Use Class C2).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the property from residential (Use Class C3) to residential care (Use Class C2) at 8 Glenpark Drive, Southport, Sefton PR9 9FA in accordance with the terms of the application, Ref DC/2023/01683, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposed development in the banner above is taken from the application form. However, in the interest of brevity I have removed sections of the description which do not refer to development.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupants of 6 and 10 Glenpark Drive (Nos 6 and 10) and 2 Merepark Drive (No 2), with particular regard to noise and disturbance.

Reasons

4. The appeal property is one of several semi-detached properties along Glenpark Drive. It is attached to No 10 and it is next to No 6. The rear gardens of these properties are perpendicular to the rear garden of No 2. As such, the appeal property shares boundaries with Nos 6 and 10, and No 2. All of the properties have moderately-sized gardens.
5. The appeal property is a 3-bedroom dwellinghouse. Given the size of the appeal property, its use could generate a modest amount of activity. This may include occupants travelling to and from work or school, servicing of the property such as refuse collection, and the delivery of goods. The appeal property is also in proximity to Preston New Road (A565), which has the appearance of an arterial route. During my site visit, I observed that traffic on Preston New Road is the main source of background sound in the area.

6. The appeal proposal would lead to the change of use of the property to residential care accommodation for up to 2 people. The proposed occupants of the property would be supported, 24-hours a day, by care providers. The property would also be accessed by support workers and outside agencies.
7. An indicative rota for the care providers has been provided which indicates there would be three handover periods a week. However, as the rota is only indicative, there could be more handovers, which would generate more activity at the appeal property. It is reasonable to conclude that there could be multiple handovers a day, and there could be daily activity relating to the occupants travelling to and from the site, and/or by support workers and outside agencies accessing the property. During handover periods there would be a more intense period of activity, where multiple people enter and leave the appeal property in a short period of time.
8. Whilst the activity associated with the appeal property would increase following the change of use, the occupation of the appeal property could be restricted to two occupants by condition. Therefore, the increase in activity would be modest when compared to the existing use of the appeal property.
9. There would be more activity in external areas associated with increased vehicle movements. However, there is no substantive evidence that the rear garden area would be used more intensively than it currently is. Given the existing background sound, I do not consider that the modest increase in vehicle movements would materially alter the amount of noise experienced in external areas of neighbouring properties.
10. I acknowledge the personal circumstances of neighbouring occupants who regularly use their gardens. One of the neighbours has identified themselves and their wife as elderly and as having medical problems. Therefore, the protected characteristics of age and potentially disability are relevant. When reaching my conclusion, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010; in particular the need to eliminate discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others. In this instance, whilst the amount of noise experienced may increase in external areas, it would not be to a harmful extent. Therefore, I am satisfied that people with protected characteristics would not be discriminated against, it would not affect their equality of opportunity, and it would not alter the ability to foster good relations between them and others.
11. Although there would only be a limited increase in activity, the amount of noise experience inside No 10 could be harmful to the living conditions of its occupants due to its close relationship with the appeal property. However, the effect of the change of use could be mitigated with a sound insulation scheme. A condition requiring details of a sound insulation scheme to be submitted to and approved by the Council could be attached to the planning permission.
12. Two appeal decisions¹ at 106 Cambridge Road have been put before me. Those proposals are materially different to the appeal proposal as they included the change of use of a property to accommodate 5 mothers and their new-born babies. Moreover, occupants were only expected to live at that property for 12

¹ Appeal Refs. APP/M4320/W/18/3202427 and APP/M4320/W/19/3239836

weeks, as such it would attract a more transient population than the appeal proposal which is expected to accommodate longer term occupants. Also, the most pertinent details of the appeal proposal² at 1 Bridge Street, including the proposed maximum occupation, are not before me. As such, it is not possible to compare that proposal with the appeal proposal. Therefore, the dismissal of those appeals does not set a precedent for the appeal proposal.

13. Overall, I conclude that the proposal would not have a harmful effect on the living conditions of occupants of Nos 6 and 10 and No 2, with particular regard to noise and disturbance. It would comply with Policy HC3 of A Local Plan for Sefton, April 2017 (LP), which indicates that non-residential development will be permitted in primarily residential areas provided that it will not have an unacceptable impact on the living conditions of neighbouring occupants.
14. The reason for refusal on the decision notice indicates that the proposal would be contrary to LP Policy HC4. However, this policy is not strictly relevant to the proposal as it concerns extensions and alterations to dwellinghouses and the conversion of buildings into Houses in Multiple Occupation (HMOs). Nonetheless, the proposal would comply with one of the broad aims of this policy, which is that a conversion of a building will be permitted where it will not cause significant harm to the living conditions of neighbouring occupants.

Other Matters

15. The proposal would lead to additional demand for parking which may not be able to be accommodated on the appeal property's driveway. There are no restrictions for on-street parking in proximity to the appeal property and there is no substantive evidence that the increased demand could not be safely accommodated within the road network. Moreover, the Council did not object to the proposal on highway safety grounds and I agree with this conclusion.
16. In considering this appeal, I have had due regard to the PSED. In this instance, both the proposed occupants and interested parties are persons with the protected characteristics of age and/or disability. With regard to the PSED, I am satisfied that the outcome of my decision would eliminate discrimination against persons with protected characteristics, advance equality of opportunity for those persons and foster good relations between them and others.

Conditions

17. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the PPG and the Framework.
18. Conditions specifying a time limit to implement the permission and approved plans are required in the interest of certainty. Given the appellant's personal circumstances it is necessary and reasonable to provide an extended commencement period to minimise disruption.
19. A condition requiring details of cycle storage to be submitted to and approved by the Council is necessary to encourage the use of alternatives to private motor vehicles.

² Appeal Ref. APP/M4320/W/19/3231962

20. Conditions requiring improved sound insulation in the party wall to be installed and a restriction on the level of occupancy is necessary to ensure that the proposal does not have a harmful effect on the living conditions of neighbouring occupants.

Conclusion

21. For the reasons given above the appeal should be allowed and planning permission should be granted.

J Hobbs

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with Location Plan, dated 26 September 2023; and Floor Plan, with the Smart Move watermark.
- 3) Prior to the commencement of the hereby approved use, a scheme of enhanced sound insulation to the party wall with 10 Glenpark Drive, shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be implemented in full, prior to the commencement of the hereby approved use and shall be retained thereafter.
- 4) Prior to the commencement of the hereby approved use, details of secure storage for bicycles shall be submitted to and approved in writing by the Local Planning Authority.
The approved storage shall be installed prior to the commencement of the hereby approved use and shall be retained thereafter.
- 5) The property shall be used solely as residential care accommodation (Use Class C2) by a maximum of two occupants, at any one time.