



Appeal Decision

Site visit made on 18 June 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/D0515/W/23/3333116

Langley Lodge Rest Home, 26 Queens Road, Wisbech, PE13 2PE

- 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 Mr Ben Mauremootoo against the decision of Fenland District Council.
 - The application Ref is F/YR23/0282/F.
 - The development proposed is the erection of a single-storey side/rear extension and formation of car parking to the front of the existing care home involving demolition of existing 2-storey building and removal of swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey side/rear extension and formation of car parking to the front of the existing care home involving demolition of existing 2-storey building and removal of swimming pool, at Langley Lodge Rest Home, 26 Queens Road, Wisbech, PE13 2PE, in accordance with the terms of the application, Ref F/YR23/0282/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. LL/01/A, LL/15 Rev K, LL/19/F, LL/20/H, LL/21/H, LL/22 Rev F, LL/23/G, LL/30/B, LL/32/A and LL/33/A and the Flood Risk Assessment submitted with the application.
 - 3) The external materials to be used in the development shall be those detailed on the application form to match the existing building.
 - 4) Prior to the commencement of any works or storage of materials on the site all trees and hedges that are shown to be retained on the approved plans shall be protected in accordance with British Standard 5837:2012. These protection measures shall be maintained until the completion of the development.
 - 5) The extension hereby approved shall not be occupied or brought into use until the new on-site car parking spaces have been provided and made available for use in accordance with the approved drawings. The car parking shall thereafter be retained for the life of the development.
 - 6) The extension hereby approved shall not be occupied or brought into use until secure cycle parking has been provided in accordance with details that shall first be submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be retained for the life of the development.

Application for costs

2. An application for costs was made on behalf of the appellant against Fenland District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are i) whether the development would result in increased on-street parking to the detriment of road safety and ii) the effect of the development on the living conditions of occupiers of 24 Queens Road with regard to privacy, noise and disturbance.

Reasons

Road safety

4. The proposal would create 8 new ensuite single bedrooms, resulting in an increase of 6 bedrooms to the existing long established residential care home. Residents of the care home would not have cars and the additional 6 bedrooms would not result in any significant increase in staff or visitor numbers. Moreover, it is highly unlikely that residents would ever all receive visitors or external medical care on the same days or at the same times.
5. At present the site has no formal car parking area or marked car parking bays. As such car parking within the site, without obstructing the semi-circular access drive, is currently limited to approximately 3 cars to the front and side of the home. It is proposed to create 11 formal car parking spaces within the site, to the front of the building, by widening the existing driveway, and by removing some small lawned areas and a section of the landscaped border adjacent to the boundary of No.24. This would result in an increase of 8 parking spaces.
6. Whilst I have not been provided with a copy of the local plan parking standards referred to, I am advised that these recommend 1 resident and 1 visitor parking space per 4 residential units, plus 1 space per resident member of staff. Based upon these standards, the additional 6 single bedrooms resulting from the proposal would generate a need for 3 additional car parking spaces. I have not been advised that there are any existing resident staff members or that any would be required as a result of the proposal. No permanent residential staff accommodation is shown on the plans. I am advised there are currently 6 staff members on shift at a time and that only 3 of these have cars. The Council state the proposal would lead to a shortfall of 11 parking spaces. However, this appears to have been calculated based upon the whole of the care home and not the requirements of the proposed development currently before me.
7. Whilst I acknowledge that the number of parking spaces for the care home as a whole may be below the standards recommended in the local plan, there would be an increase in parking overall, which would exceed that required to serve the proposed development alone and would therefore assist in reducing the existing shortfall.
8. Queens Road comprises a wide two-way carriageway with footpaths and parking on either side. It is predominantly residential in nature and traffic speeds and volumes are low. Many of the dwellings around the site benefit from private off-street parking and I saw no parking restrictions immediately outside of the site. At the time of my visit there was only 1 car parked on site

and 2 cars parked on the street directly in front of the site. Given the width of the carriageway, which is also relatively straight, on-street parking on either side of it would not obstruct the free flow of traffic or be detrimental to highway safety.

9. Somers Road car park, which is located approximately 130 metres from the site, offers 273 spaces, plus 9 disabled spaces, where cars can park free for up to 24 hours. At the time of my mid-morning visit this car park was far from full and plenty of unrestricted on-street parking was also available close to the site. Whilst I appreciate my observations were limited to a snapshot in time, I have not been provided with any substantive evidence such as carpark or on street parking surveys that would suggest that my observations are not typical of the parking situation at most times. The location of the site is accessible to local staff and visitors on foot or by bicycle and I am also advised that public transport is available within walking distance.
10. I therefore conclude that the proposed development would not result in increased on-street parking to the detriment of road safety and would not conflict with Policy LP15(Part C) of the Fenland Local Plan (2014). This policy requires well designed car and cycle parking appropriate to the amount of development proposed. The amount of development proposed is the extension not the whole of the established care home. The extension would result in an increase of 6 bedrooms resulting in a need for 3 or 4 car parking spaces. The proposal would provide 8 additional car parking spaces and the provision of cycle parking can be secured by condition.

Living conditions

11. The proposed single storey extension would be a maximum of 5.5 metres high. It would be set in from the boundary with No.24 Queens Road by a minimum of 2 metres and more in places. The internal floor level would match that of the existing building at the front, which is raised above ground level and is accessed by steps. The internal floor level of the rear part of the extension would be 300mm higher, which I understand is necessary to comply with flood risk requirements. The roof is designed to slope away from the neighbouring property, which would further minimise its impact.
12. The reason for refusal relates to the proposed steps to an external door from the manager's office. The steps would be 2 metres and the door 3 metres from the boundary with No.24. They would also be over 10 metres from that dwelling and at an oblique angle to its rear elevation. The door would provide the manager with better accessibility to the grounds and other parts of the building. It would not serve a main entrance or general circulation route. It is suggested that the door, or more specifically the steps to it, would result in an unacceptable level of noise and disturbance as well as overlooking and loss of privacy. No concerns have been raised regarding any other windows proposed to face this boundary, which would allow the same views and when open would emit the same noise as an open door.
13. Given the single storey nature of the proposal, there would be no overlooking or loss of privacy from any windows and doors. As the door and steps are to a small single person office space, their use would be infrequent and would generate little if any noise. It is highly unlikely that any noise from inside the office, even with the external door open, would be of a level that would disturb occupiers of the neighbouring property. Furthermore, the extension would act

as a noise buffer for any noise generated by other parts of the care home or its rear garden, which would become largely enclosed by the extension, in a courtyard style arrangement.

14. The boundary between the site and No.24 is heavily screened by high trees and hedges, many of which appear to be located on the neighbour's side of the boundary wall and fencing and therefore within their control. At the time of my visit, I was unable to see the rear windows of No.24 or into the rear garden of that property.
15. I therefore conclude that the access steps and door to the proposed office would not result in an unacceptable level of noise and disturbance, or any overlooking or loss of privacy, to the detriment of occupiers of 24 Queens Road. As such the proposal would accord with Policy LP16(e) of the Fenland Local Plan (2014), which seeks to ensure that new development does not adversely impact on the amenity of neighbouring users.

Other Matters

16. I note the additional concerns of nearby residents regarding the overdevelopment of the site, its effect on the character and appearance of the area and the potential for overshadowing. However, I agree with the Council that the design and scale of the proposal would respect the original building, would be proportionate to the size of the substantial plot, and that given its height, its distance from the boundary, the roof slope orientation and the presence of a high boundary hedge, which will already overshadow the neighbouring garden, it would not result in any harmful level of overshadowing.
17. There is no evidence before me to suggest that the development would result in the devaluation of adjacent properties and the planning system does not exist to protect private interests. Whilst some disturbance is inevitable with any development, given the small scale of the proposal it would be completed relatively quickly. There is nothing before me to suggest that piling would be necessary for a ground floor extension in this location, and in the unlikely event of construction works causing damage to nearby properties this would be a private matter.

Conditions

18. I have imposed the standard time limit and a condition listing the approved drawings and documents in the interests of certainty. Conditions to ensure the stated matching external materials are used, and to protect trees and hedges to be retained, are necessary to safeguard the character and appearance of the original building and its immediate surroundings. As the increased number of bedrooms and residents is likely to increase staff and visitor numbers, it is necessary to ensure the proposed car parking and secure cycle parking is provided prior to the additional rooms being brought into use.
19. As there would be no significant loss of landscaping and as much of the boundary planting is within the curtilage of no.24 Queens Road, which is outside of the appellant's ownership and control, it is not necessary to impose a condition to protect or retain the boundary hedging at a minimum height, or to require additional landscaping details. As the development relates to the extension of an operational care home, construction noise and hours will be considerate of residents and disturbance kept to a minimum. I am also satisfied

that there would be sufficient space within the large site frontage for the parking and storage of vehicles, materials and machinery. Accordingly, a construction management plan condition is unnecessary in this case.

Conclusion

20. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be allowed.

R. Bartlett

INSPECTOR