



Appeal Decision

Site visit made on 19 September 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/H1705/W/24/3338311

12 Messner Street, Basingstoke, Hampshire RG24 9TT

- 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 and Miss, Alexander and Gloria, Afful-Acheampong and Ocrah, against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/01318/FUL.
 - The development proposed is the change of use from dwellinghouse (C3) to (C2) for a mother and baby unit/ home assessment centre and conversion of garage into a habitable room.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwellinghouse (C3) to (C2) for a mother and baby unit/ home assessment centre and conversion of garage into a habitable room, at 12 Messner Street, Basingstoke, Hampshire RG24 9TT, in accordance with the terms of the application, Ref 23/01318/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was determined following the submission of amended plans which reduced the number of proposed bedrooms from 5 to 3. Since submitting the appeal, the appellants have confirmed that the amended scheme is also the subject of this appeal. I proceed on that basis.

Main Issues

3. The main issues are the effect of the development on;
 - the character of the area;
 - highway safety; and
 - the living conditions of the occupiers of neighbouring properties with particular regard to noise and activity.

Reasons

Character of the area

4. The house on the appeal site is within a predominantly residential street. However, a shared private drive (the drive) to the front of the appeal site and a narrow tree belt, separate it from a sizable area of public open space which

includes a children's playground. A range of other nearby facilities include a local health centre, a pharmacy and a convenience store. The character of the area is therefore, at least partially, informed by the mix of types and forms of development within it. Moreover, and even if the nearby residential properties are mainly occupied by families, the amount of development in the area, means that reasonable levels of activity can be reasonably expected within it.

5. I understand that the mother and baby unit/home assessment centre (MBU) would provide residential accommodation for new mothers and their infants for a period that would typically be between 12 and 16 weeks. I also understand that no more than 3 new mothers would be resident at any time, and that they would be afforded round-the-clock support, typically by 2 staff members.
6. Albeit with support, the modest-sized MBU would provide future occupiers with facilities which would enable them to live in a similar manner to that which could ordinarily be expected within a dwellinghouse.
7. The use of the small MBU would undoubtedly generate comings and goings to the appeal site by residents, visitors and staff members. Nevertheless, it is unlikely that these would be of a volume or frequency which would be harmful to the character of the shared private drive or the wider area around it. Moreover, given the low number of places and the anticipated lengths of stay, activity associated with emergency placements would be rare.
8. For these reasons, the development would not cause harm to the character of the area. Consequently, and in respect of this main issue, it would comply with policy EM10 of the Basingstoke and Deane - Basingstoke and Deane Local Plan (2011 to 2029) Adopted May 2016 (the Local Plan). Amongst other things, this policy requires development to contribute to local distinctiveness.

Highway safety

9. The house that occupies the appeal site forms one of a small number of residential properties that are accessed from the drive off the main Messner Street carriageway.
10. In respect of residential care homes, the Basingstoke and Deane Supplementary Planning Document 2018, guides that parking requirements should be determined on a case-by-case basis.
11. The Council advise that the site is well served by a frequent and regular bus service. It is also within close walking distance of a range of local facilities. Nevertheless, and even if future residents would rarely have cars, staff members – and particularly those changing shifts in the early morning or late evening, as well as health and social care visitors, are reasonably likely to regularly drive to access the site.
12. During my late morning and mid-week site visit, I was able to park close to the appeal site. Furthermore, during that time, several other available parking spaces were observed in the nearby roads. There is no question in my mind that such parking availability is typical during normal office working hours on weekdays.

13. It is appreciated that there may be times when there is a degree of parking stress within the area. However, 2 on-site parking spaces would be provided. Furthermore, and although not shown on the proposed plans, or demarked on the drive itself, space for additional vehicles to be parked on the drive was observed.
14. Nevertheless, at times when the on-site car parking spaces would both be occupied, it is envisaged that only a low level of additional car parking demand would be generated. Furthermore, it is reasonable to anticipate that most visits from health and social care workers would be on weekdays and during the daytime. At such times there is likely to be a reasonable level of parking availability on the drive and the nearby roads.
15. I am therefore satisfied that the level of car parking availability on site and in the area is sufficient to serve the needs of future residents and visitors to the site. Furthermore, such parking could be secured without the free flow of traffic on the nearby roads being obstructed and associated harm being caused to highway safety.
16. For the reasons given the development would not cause harm to highway safety. Consequently, and in respect of this main issue, it would comply with policies EM10 and CN9 of the Local Plan. Collectively, and amongst other things, these policies require development to provide appropriate parking provision, to provide safe, suitable and convenient access for all potential users and not to compromise highway safety.

Living conditions

17. The level of activity and associated noise that could reasonably be expected to result from the ordinary use of both the short drive, which is a no-through road, and the properties served from it, is not high. Nevertheless, the properties accessed from the drive are close to each other and to the drive. That being the case, occupiers of these properties can expect to experience reasonable levels of activity and associated noise from within their houses and gardens. This is as a result of actions such as; pedestrian and vehicle movements in the drive; the starting of motorised vehicles; the closing of car and house doors; and the normal use of gardens and outside spaces.
18. The pattern and frequency of movements to and from the site from the small number of residents of the MBU and their visitors, would be likely to be similar to that which could ordinarily be expected from the occupation of a larger family house. Furthermore, and even though early morning and late evening staff changeovers would be likely, the timing and number of the movements associated with these changeovers, would not be materially different from that which could normally be expected from the use of a dwellinghouse.
19. Staff working in the MBU would not necessarily be reliant on private cars to access the site. However, if they were to drive, it is reasonable to expect that they would seek to park in the closest available parking spaces to the appeal site, rather than routinely 'hovering' in the drive waiting for those finishing their shift to depart from the parking spaces to the front of the property.

20. Babies crying would undoubtedly be a common occurrence in a residential property occupied by 3 mothers and their babies. I have had regard to the findings within the submitted noise impact assessment. Based on this, and subject to the implementation of suitable mitigation measures, I am satisfied that the development would not result in levels of noise that would be harmful to the living conditions of the occupiers of neighbouring properties.
21. There is no proposal to illuminate the side access to the property. Moreover, there are no windows in the side elevation of number 10 that is closest to the appeal site. Even if occupiers of the MBU were to use the side gate to access the property, there is no reason to conclude that this would create levels of noise, activity or light that would be harmful to the living conditions of the occupiers of number 10.
22. For the reasons given, the development would not cause harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and activity. It would therefore comply with policy EM10 of the Local Plan, which amongst other things, requires development to provide a high quality of amenity for occupants of neighbouring properties.

Other Matters

23. Depending on its size and positioning, a car parked in the proposed parking space closest to the front door of the MBU could potentially obstruct easy access to the property through the front door. However, in most instances, it would be a staff member or visitor to the site who would park in this space. Such people are likely to wish to enter the building, and would not park so as to prevent this. Nevertheless, and while not ideal, if a parked car were to block pedestrian or pushchair access to the front door, then it would not amount to more than a small inconvenience for it to be moved. If, for some reason, it would not be possible to move the car, the side gate and rear door could be used to provide a suitable alternative access into the building.
24. The limited length of individual stays would make it less likely that residents would integrate into the local community in the same way as might ordinarily occur with longer-term residents. Nevertheless, there is no guarantee that those occupying a C3 dwellinghouse would choose to mix within the community. Furthermore, and on the basis that residents would live in the MBU, they are still likely to use local services and facilities such as the nearby convenience store.
25. No dedicated storage areas for pushchairs or refuse are shown on the plans. However, there is more than sufficient space in rooms within the building and/or the back garden for such storage, as well as for other 'infant' related equipment storage. As such, it would not follow that the development would lead to escape routes from the building being blocked, or harm being caused to the appearance of the area from refuse storage.
26. Even if there are restrictive covenants relating to the use of the appeal site, this is a private matter, to be resolved between the relevant parties.
27. If the existing use of the property is unauthorised, then this is a matter for the Council's planning enforcement team to investigate.

28. Since there is the potential for my decision to affect persons with protected characteristics, I have had due regard to the three objectives of the public sector equality duty (PSED) that are set out in Section 149(1) of the Equality Act 2010 (as amended). I understand the concern that the development would cause stress and anxiety to a neighbour who struggles with new faces and loud noises. However, it does not automatically follow from the PSED that the appeal should fail. In this case, I have found that the development would not result in levels of noise and activity over and above that which could reasonably be expected from the ordinary use of other residential properties on the drive. The MBU would have a higher turnover of occupants than would ordinarily be expected in a dwellinghouse. Nevertheless, the front of the house occupied by the previously referenced neighbour does not have any clear glazed or opening windows at ground-floor level. Occupiers of this neighbouring property would therefore have to peer out and down from upstairs windows to observe pedestrians and vehicles approaching and leaving the appeal site. That being the case, the changing faces of residents and visitors to the appeal site would not be conspicuous.

Conditions

29. The wording of some of the Council's suggested conditions has been amended where appropriate. This is for clarity and to meet the six tests within paragraph 56 of the Framework.
30. The statutory condition specifying the time-period for the implementation of the permission is imposed. For certainty a plans condition is also added, identifying the plans to which the permission relates. A condition requiring the use of matching materials is also imposed to protect the character and appearance of the area.
31. To prevent development that could cause harm to the living conditions of the occupiers of neighbouring properties, it is necessary to impose a condition restricting the use of the property to that as a MBU/home assessment unit. However, it would be unreasonable to require that the use of the building revert to a C3 dwellinghouse if there was no longer a need/demand for its use as a MBU.
32. Conditions related to car parking and cycle storage are imposed to protect highway safety and to encourage the use of sustainable transport.
33. Conditions limiting construction hours and hours of delivery and collection of machinery, plant and material, are also needed to prevent harm being caused to the living conditions of the occupiers of neighbouring properties. For the same reason, a condition requiring the installation of sound insulation measures is added. However, it has not been satisfactorily demonstrated that there is a need for conditions that would require the provision of a ventilation heat recovery system.

Conclusion

34. For the reasons given above, and having regard to the development plan as a whole and any other material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR

Schedule of 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: site location plan, proposed block plan No.02, proposed floor plans No 06A, proposed site plan No. 07A, and proposed elevations No.08.
- 3) The external materials of the alterations hereby permitted shall match those used in the existing dwelling.
- 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no: Proposed site plan No 07A. Thereafter those spaces shall be retained for the parking of vehicles only.
- 5) The development hereby permitted shall not be occupied until space has been laid out within the site for 4 bicycles to be stored, and that space shall thereafter be kept available for the storage of bicycles.
- 6) Demolition, construction and conversion works shall take place only between 07:30 and 18:00 on Monday-Fridays and 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No deliveries of construction materials, plant and machinery, and no removal of any spoil from the site shall take place outside of 07:30 and 18:00 on Monday-Fridays and 08:00 and 13:00 on Saturdays, or on Bank or Public Holidays.
- 8) The development hereby permitted shall not be occupied prior to all sound insulation measures outlined in the DAA Group Noise Impact Assessment Issue 01, being completed. Thereafter, these sound insulation measures should be retained.
- 9) The development hereby permitted shall be used for the purpose of a mother and baby unit/home assessment centre, and for no other purpose in Class C2 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

End of conditions.