

Appeal Decision

Site visit made on 29 October 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2024

Appeal Ref: APP/J3015/W/24/3348837

50 Derby Road, Bramcote, Nottinghamshire NG9 3FY

- 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 Usama Azam against the decision of Broxtowe Borough Council.
 - The application Ref is 23/00836/FUL.
 - The development proposed is change of use from residential to care home.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on highway safety.
 - Whether the need for the proposal outweighs the loss of general housing needs.
 - The effect of the proposal on the character and appearance of the surrounding area.
 - The effect of the proposal on the living conditions of neighbouring occupants with regard to noise and disturbance.

Reasons

Highway Safety

3. The appeal property is a two-storey detached dwelling located in a predominantly residential area of Broxtowe on the A52 which has a high volume of traffic.
4. The appeal scheme will utilise the existing access for 50 Derby Road (No 50). The A52 is a busy dual carriageway that carries a high volume of traffic, has an additional bus lane and bus shelter to the frontage of the appeal property, all of which adds further to its complexity. Given the busy nature of the A52 vehicles would need to exit the appeal site in forward gear.
5. National Highways highlight that the current access is acceptable for a residential dwelling and therefore would not be sufficient for a care home. A care home would result in a higher frequency of coming and goings in comparison to the existing use of No 50 as a residential dwelling, given the need for staff to be on site as well as any visitors.
6. The site layout and the provision of 5 parking spaces in conjunction with shift patterns and the visiting of ancillary and specialist professionals I consider that traffic movements will be significantly greater than even a large active household as a result. Moreover,

without demonstrable evidence of swept paths and indicative turning manoeuvres I am not satisfied that it could operate effectively.

7. The existence of other access points on the A52 does not justify the intensification of the access point at the appeal site. Furthermore, the A52 is a dual carriageway and despite the relatively slow speed limit the volume of traffic still results in a complex character to the highway.
8. In conclusion, without substantive evidence as to the frequency of vehicle trips and the ability of vehicles to leave in a forward gear onto the busy dual carriageway of the A52, I conclude that the appeal scheme as presented would fail to provide safe and convenient access as required by Policy 17(i) of the Part 2 Local Plan 2019.

General Housing

9. The Council have identified that there is a general housing need in the Borough. They have referred to Policy 8 of the ACS in their decision notice which is primarily a strategic policy aimed at new housing development. Nevertheless, paragraph 3 states that consideration should be given to the needs and demands of the elderly as part of the overall housing mix.
10. Whilst paragraph 2 of Policy 8 states that there should be an emphasis on providing family housing, this is in relation to Nottingham City. It goes on to state that elsewhere in the plan area there should be a broader mix of housing. Consequently, as per paragraph 3 of Policy 8 accommodation for the elderly is an important element of the overall housing mix.
11. Paragraph 4 of Policy 8 of the ACS outlines that the appropriate mix of housing size, type, tenure and density within housing will be informed by a variety of factors. However, the Council have not demonstrated that there is an overarching demand for general housing within the borough of Broxtowe and consequently, having regard for paragraph 3 of Policy 8, the proposal contributes to the overall housing mix as outlined in the ACS.
12. In conclusion, the proposal would contribute to the overall housing mix and therefore the proposal complies with the overall spatial strategy and housing delivery as outlined in Policy 2 of the ACS as well as one of the overarching aims of Policy 8 of the ACS regarding accommodation for the elderly.
13. The Council refers to Policy 15 of the Part 2 Local Plan 2019 in its decision notice. This policy is aimed at new housing development regarding housing size, mix and choice rather than existing housing stock. Consequently, it is not determinative for this appeal.

Character and Appearance

14. The appeal scheme does not consist of any external changes. However, the character of the surrounding area is predominantly residential in nature and consequently the addition of a care home would likely result in an increase of coming and goings from the property above what would be reasonably expected for a residential dwelling.
15. However, considering No 50 is located on the A52 the character of the surrounding area does include frequent vehicle movements. Consequently, the addition of a care home would not have a significant adverse impact upon the character and appearance of the surrounding area.
16. Therefore, the appeal scheme would not harm the character and appearance of the surrounding area and would comply with Policy 10 of the ACS and Policy 17 of the Part 2

Local Plan 2019. These policies seek, amongst other things, to ensure that new development reinforces local character and context.

Living Conditions

17. The plot sizes on Derby Road are large and include significant soft landscape features including mature trees. The neighbouring dwellings (Nos 48 and 52 Derby Road) have reasonably good separation from the appeal site given the respective site layouts.
18. Whilst the appellant has not provided details regarding shift patterns, it is likely that the appeal scheme would likely result in an increase of coming and goings from the property due to care staff as well as visitors. However, considering the busy nature of Derby Road it has not been demonstrated that this would be noticeable and unreasonable. Consequently, the proposal would not harm the living conditions of neighbouring properties with regard to noise and disturbance.
19. In conclusion, the appeal scheme would comply with Policy 17(4)(d) of the Part 2 Local Plan 2019 which seeks to ensure that development does not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
20. The Council have referred to Policy 10 of the Aligned Core Strategies Part 1 Local Plan 2014 (ACS) in their decision notice. This policy refers to new housing development and therefore is not determinative for this appeal.

Planning Balance

21. The appeal scheme would not harm the character and appearance of the surrounding area, living conditions of neighbouring properties and nor is it outweighed by the need of general housing. Additionally, it would add to the provision of care homes in the Borough consequently contributing to the overall housing mix. However, these benefits are outweighed by the harm to highway safety. There are no material considerations of such weight or significance to justify a decision otherwise than in accordance with the development plan.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR