



Appeal Decision

Site visit made on 20 October 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/M0655/W/25/3366979

152 Rushgreen Road, Lymm, Warrington, WA13 9QW

- 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 Adroit Group Dental against the decision of Warrington Borough Council.
- The application Ref is 2025/00022/FUL.
- The proposal is to increase the hours of operation, the number of practitioners and to allow the use of a rear first floor staff room as an additional surgery for the existing dentist use.

Decision

1. The appeal is dismissed insofar as it relates to the increased number of treatment rooms and practitioners. The appeal is allowed insofar as it relates to the increased hours of use, and planning permission is granted to increase the hours of use of the existing dental practice at 152 Rushgreen Road, Lymm, Warrington, WA13 9QW, subject to the following conditions:
 - 1) The premises shall continue to be used as a dental practice only, and for no other purpose, including any other purpose falling within Class E of the Town and Country Planning (Use Classes) Order, or any amendment to it.
 - 2) The dental practice shall only operate between the hours of 08:00 and 18:00 on Monday to Friday and 09:00 and 18:00 on Saturdays.
 - 3) The first-floor rear room adjoining 154 Rushgreen Road shall not be used as a treatment room and no more than two patient treatment rooms shall be in use within the premises at any one time.
 - 4) The existing tarmac access, turning area, and four car parking spaces to the front of the buildings, shall remain available for their intended use at all times.
 - 5) The existing dedicated cycle parking area shall be retained for its intended use at all times.

Preliminary Matters and Background

2. The local planning authority amended the description of development to “proposed change of use of rear first floor room for an additional surgery for the existing dentist and an increase in the hours of operation and the number of practitioners”. However, from the information before me the existing lawful use of the whole of the site is a dentist, which is subject to conditions. No material change of use would occur from using a dentist staff room/office as a dentist treatment room. I have therefore amended the description in my decision, to reflect the fact that there is no development, only a change to the conditions relating to the previous planning permission.

3. The appeal property comprises a semi-detached house that was granted planning permission to be used as a dental practice in 2007. Conditions attached to this original permission, restricting the number of practitioners that could operate from the premises and requiring the development to be carried out in accordance with specific plans, were varied in 2009. This created a fresh planning permission with new conditions, one of which was amended by an appeal that substituted the wording of condition 7.
4. Permission is now sought to continue using the building as a dental practice without complying with some of the previously imposed conditions. It is evident that the appellant originally submitted an application under section 73 (s73) of the Town and Country Planning Act, to vary the previous conditions, but was advised by the Council that this was not possible due to the latest appeal decision not including a plans condition. However, the appeal decision did not create a fresh planning permission and as no new development is proposed, a s73 application to vary the conditions on the 2009 planning permission granted by the Council, as amended by the Inspector, would have been the correct way forward.
5. Given that the Council insisted on a new full planning application, which the appellant agreed to rather than appealing non validation of the s73 application, I have determined the appeal on the basis that it seeks a fresh permission for the existing lawful use as a dental practice with revised conditions.

Main Issues

6. The main issues are the effect of the increased use of the practice, on i) the living conditions of occupiers of adjacent residential properties and ii) highway safety.

Reasons

Living conditions

7. The appeal property is attached to and is surrounded by residential dwellings. In addition to the Council's concerns regarding overlooking and loss of privacy, occupiers of neighbouring properties have expressed concerns about noise and disturbance, which have not been addressed in the appellant's submissions.

Privacy and overlooking

8. The first-floor rear room of the dentist practice was restricted to staff use only, due to the windows within it not being obscure glazed. However, I saw that all of the first-floor rear windows are now obscured with film, and whilst they are side opening, they open outwards and the obscure film in the open windows restricts sideways views. The windows are also quite high, which further restricts views out of them from within the room.
9. I acknowledge that the use of the first-floor rear room as a treatment room would mean that it would be accessed by patients, but with the exception of dependants, such as children or those requiring care or assistance, patients would generally be seen one at a time, and would be in a chair for the duration of their treatment as opposed to looking out of the windows. Indeed, staff on a break are more likely to be looking out of windows than staff or patients delivering or receiving treatment.
10. Provided the first-floor rear windows remain obscured at all times, I am satisfied that views out of them would be very limited and accordingly, the use of the room

for treating patients, as opposed to as a staff room, would not result in any greater level of overlooking of adjacent dwellings and gardens than the current situation.

Noise and disturbance

11. I am advised that the proposed additional treatment room adjoins a bedroom in the attached house. No information has been submitted with regard to the type of dental equipment that would be used, the noise that would be generated by it, or what mitigation measures would be put in place to protect occupiers of the adjoining property from this. The planning history before me indicates that acoustic installation was required to be installed in the existing treatment rooms, yet the occupier of the adjoining dwelling is still experiencing noise.
12. The addition of a further treatment room, together with the increased number of staff and patients that could potentially be onsite at one time as a result of that change, would increase the comings and goings associated with the use of the building, and general noise coming from within it, even just from people talking and moving around the property, to well beyond the level of noise and activity that would reasonably be expected to be generated by a family home.
13. The submitted plans show only the existing and proposed first floor layout. There is no information before me as to how the space to be taken up by the new treatment room would be compensated for elsewhere, or to explain why it is no longer required despite staff numbers being increased.
14. It was evident from my visit that the ground floor comprises a reception and waiting area to the front, a treatment room to the rear, a hallway and understairs store, and a conservatory containing staff lockers and a computer desk. The first floor, as shown on the submitted plans, comprises a further treatment room, a decontamination room at the front, with a toilet and the staff room at the rear. The staff room has been sub-divided, by a timber partition wall, into an office space and an area for making drinks. Both the conservatory and staff room/office appeared very cramped.
15. I have carefully considered concerns of local residents relating to the proposed increased hours of use, which relate only to Saturdays. Whilst there is little supporting information before me as to why this is necessary, I accept that longer Saturday openings would help to facilitate emergency appointments and provide additional flexibility for patients. Currently, Saturday opening hours are restricted to between 09:00 and 12:00 (midday), which is somewhat limited. The appellant would like to increase the opening times to between 08:00 and 18:00. Opening at 08:00, with the first appointment potentially being at that time, would be likely to result in staff and patients arriving prior to that time, which would in my view be unacceptable given the residential nature of the surroundings and most people expecting to be able to have a lay in or to relax on weekend mornings. However, continuing to operate a maximum of two treatment rooms up until 18:00 on Saturdays, would not adversely affect neighbours when enjoying their homes and gardens.
16. I have had regard to noise and light coming from the property when it is being cleaned after closing time, but if the building was occupied as a family home, there would be noise and lights from adults, children, televisions, music devices etc throughout the day and evening. As the car park would not be increased in size, there would be no greater noise and activity to the front of the building, which is

likely to be negligible given the traffic noise from the road. As cars from a family home could be coming and going at all times of day and night, including weekends, I do not consider the car movements associated with the Saturday afternoon opening would result in any harm.

17. I therefore conclude that using the first floor rear room as an additional surgery would not adversely affect occupiers of adjacent dwellings with regard to privacy and overlooking, and the amendment of the opening hours to include Saturday afternoons would be acceptable. However, earlier opening on a Saturday, and the addition of a further treatment room together with the associated increase in staff and patients that this would result in, would over intensify the use of the property, the space available within it, and would result in unacceptable additional noise and disturbance to occupiers of the adjoining house. Accordingly, the increased use would fail to accord with policies ENV8 and DC6 of the Warrington Local Plan 2021/22 – 2038/39 (the local plan), which seek amongst other things to ensure that consideration is given to noise and acoustic mitigation, and to avoid unacceptable adverse impacts on the amenity of neighbouring occupants. The proposal would also fail to accord with paragraphs 135(f) and 198(a) of the National Planning Policy Framework (the Framework) in respect of this matter.

Highway safety

18. The site benefits from four off street parking spaces to the front, which are surfaced and clearly marked out. There is also a garage to the side of the main building, which was occupied by a car at the time of my visit and could continue to provide parking for a staff member without obstructing or being blocked in by any other parking. Whilst it is possible to drive through the garage to park an additional vehicle to the rear of it, this would become blocked in should another vehicle park in the garage, and it would not be easy to reverse back out through the garage. There is also secure cycle parking within the covered passageway between the main building and the garage, which comprises fixed metal hoops on the walls of the buildings, which bicycles can be locked to, and clear cycle parking signage. I noted that there is a bus stop close by, but I am advised services are limited. However, I am satisfied that it would be possible for some staff and patients to access the site by means of travel other than car and in this respect the level of parking available onsite is appropriate to serve the staff and patients generated by two treatment rooms.
19. At the time of my visit, which I appreciate is only a snapshot in time, there was only one car parked in the spaces in front of the building and one parked in the garage. I saw no bicycles parked onsite. I saw five cars parked partially on the pavement along one side of Whitefield Grove, which is roughly opposite the site. Whilst this caused some obstruction to the pavement and would have made passing with pushchairs or wheelchairs impossible, the path on the opposite side of the road was clear. Very few cars were parked on Rushgreen Road, but where there was parking, the free flow of two-way traffic was disrupted due to the limited width of the road. At busy times this would lead to increased congestion and queuing traffic.
20. Photographs have been submitted of cars parked on the pavements along Rushgreen Road, the obstruction of which could force pedestrians to have to walk along this busy road. Although there is no evidence that the parking is all linked to the dental practice as opposed to residents, visitors, and a childminding business

that I am advised operates from another nearby dwelling, most properties within the area benefit from their own off-street parking.

21. Increasing the number of treatment rooms, and thus the number of staff and patients using the appeal property at any one time, would exacerbate the problem of cars parking along this busy main road and obstructing both traffic and pedestrians. However, increasing the hours of use of the existing two treatment rooms on a Saturday afternoon, would not have any significant effect on highway safety, particularly as the nearby childminding business is less likely to be operating at weekends and the parking demands of the additional hours would be no greater than at other times. I am also mindful of the fact that patients would ordinarily be seen on an appointment basis only, and whilst some appointments may overlap, there would not be large numbers of patients waiting to be seen at a time. It would also not necessarily be the case that all surgeries are in use all the time, and whether the practice provides private or NHS dental treatment makes no difference to its use or its effects.
22. I therefore conclude that the addition of a further treatment room and the increase in staff and patient numbers associated with this, would result in additional on street parking along a busy stretch of road, which would obstruct pedestrians and the free flow of traffic to the detriment of highway safety. As such it would fail to accord with policies INF1 and ENV8 of the local plan, which seek amongst other things to ensure traffic generated by development has no adverse impact on the local community or highway safety.

Conditions

23. As the appeal relates to an existing use, a time limit condition for commencement is not required. As I have not been provided with a complete set of plans for the site, I have not conditioned any, particularly as I am not allowing the proposed changes. As this decision grants a fresh permission for the use of the site, it is necessary to reiterate conditions to control the use of the premises, and to require the retention of necessary car and cycle parking provisions, in the interests of residential amenity and highway safety. The 2009 permission stated that no more than two practitioners of any kind (including Dentists, Dental Hygienists and any other related practitioners) shall operate from the premises at any one time. The reason for this condition was to enable the local planning authority to retain control over neighbour amenity and highway safety. Given that the number of practitioners and patients is somewhat dictated by the number of treatment rooms and the hours of opening, I consider that the conditions controlling these matters are more reasonable and enforceable than restricting the number of practitioners, as this term could in my view include dental nurses, technicians and assistants, as well as dental surgeons and hygienists.

Conclusion

24. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should succeed in part, and I will grant planning permission for amended opening hours. The appeal is dismissed in relation to the increased number of treatment rooms and associated practitioners.

R Bartlett
INSPECTOR