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## Appeal Decision

Site visit made on 22 June 2020

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2020**

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**Appeal Ref: APP/U2370/W/20/3247443**

**29-31 Coronation Road, Thornton Cleveleys, Lancashire FY5 1DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Raj Shah on behalf of Morvern Care Centre against the decision of Wyre Borough Council.
  - The application Ref 19/00902/OUTMAJ, dated 2 September 2019, was refused by notice dated 5 December 2019.
  - The development proposed is 'erection of a four storey 44 bedroom nursing home (Use Class C2), following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved)'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The site address and description of development given by the application form have been updated by subsequent documents. I have adopted the site address and description of development given on the appeal form accordingly, as they reflect the proposal upon which the Council made its decision.
3. The application was submitted in outline with approval sought for access, layout and scale only and the remaining matters reserved for future approval. I determine the appeal on that basis, treating the details of appearance and landscaping within the submitted plans as illustrative.

### Main Issues

4. The main issues of this appeal are:
  - the effect on the character and appearance of the area, and;
  - the effect on the living conditions of occupiers of neighbouring properties, with particular regard to matters of outlook and privacy.

### Reasons

#### *Character and appearance*

5. The appeal site comprises two detached single-storey bungalow style buildings (Nos 29 and 31a), with the latter being orientated with a side elevation facing Coronation Road and having been converted into residential flats with accommodation in its roof space. The properties are located on the southern side of Coronation Road on a relatively flat section of the street before it rises

beyond an adjacent access road towards the junction with South Promenade. The existing Morvern Care Centre is located on the increasing land levels at the corner of Coronation Road and South Promenade.

6. The surroundings of the site include large imposing buildings, such as the Morvern Care Centre and Grosvenor Court, which front onto South Promenade and have elevations of extensive depth adjoining Coronation Road and Ellerbeck Road respectively. Those buildings provide a backdrop of considerable built form to the west and rear of No 31a. However, aside from the presence of a three-storey building at the rear of No 29 which faces Ellerbeck Road, the pattern of development significantly changes to the north, east and south of the site to a more modest scale of predominantly semi-detached and terraced two-storey houses. The character differs slightly as terraced dwellings rise to three and four-storeys on the opposite side of Coronation Road when approaching the junction with South Promenade and also more significantly toward the Bispham Road junction where commercial premises are located.
7. Having regard to the above, the existing single storey dwellings within the site of differing architectural styles, form and materials somewhat contrast with the character of their surroundings rather than positively contributing to it. Such circumstances offer a potential opportunity for redevelopment of the site with a building or buildings of a design which would respect or enhance the character of the area by improving the transition between the tall buildings closest to South Promenade and the two-storey houses in Coronation Road.
8. The proposal seeks to address the concerns of an Inspector who dismissed a previous appeal<sup>1</sup> relating to an application for a part four-storey and part three-storey 48-bed nursing home building. The Inspector, amongst other things, found harm upon the character and appearance of the area arising from the scale, bulk and massing of the building.
9. In response to the above, the proposal before me is a 44-bed nursing home with ancillary accommodation. The illustrative appearance in the submitted plans is of a stepped flat roofed design fronting Coronation Road with a minimum two-storey height of 5.5m approximately 1m from the boundary of No 27 which would align with the eaves and sit below the ridge of the hipped roof of that property. The subsequent stepped sections would increase its height to three-storeys up to 8.9m high and then to four-storeys of 11.5m high, rising to a maximum height of 12.9m at its western extent to match the eaves height of the Morvern Care Centre that is separated from the site by an access road. The footprint of the building would be approximately 18.5m in depth by 29.5m in length along the Coronation Road frontage.
10. The reduction of the height of the building to two-storeys in closest proximity to No 27 would improve its relationship with the two-storey properties to the east of the site. However, the brief section of two-storey built form would appear somewhat incongruous relative to the adjacent and much wider sections of three-storey and subsequent four-storey built form. In that regard, the proposed building would be four-storeys in height for more than half of its front elevation. Those circumstances reflect a comparable situation to the previous proposal which the Inspector found to be harmful.

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<sup>1</sup> Appeal Ref: APP/U2370/W/19/3219903 – Dismissed - 25 June 2019

11. Having regard to the above and based upon my own observations, I agree with the previous Inspector that a continuation of a scale and massing similar to the four-storey eaves height of Morvern Care Centre, which has its fifth floor set back in a mansard roof, would not be typical of the area. The transition from taller and bulkier buildings on corner plots of South Promenade to two and three-storey buildings typically begins as the gentle downward slope of land levels reduces to a more even topography such as where the site is located. Consequently, the proposed development would be viewed as an overly dominant and incongruous addition to the street scene. Its scale, bulk and massing would appear discordant with a stark visual contrast relative to the more modest scale and form of two-storey dwellings opposite and further to the east. As the harmful effect arises from the scale of the building it could not be overcome through additional details of appearance, such as use of materials or architectural features, as part of a reserved matters submission.
12. In reaching the above findings, I have taken account of the presence of the part three-storey and part four-storey building at Grosvenor Court which forms part of the backdrop to the existing site and has an increased depth beyond the South Promenade frontage when compared with the Morvern Care Centre. Nonetheless, its relationship as a single building at the corner of South Promenade and Ellerbeck Road is different to the proposal before me. I observed that it sits more comfortably within a setting of large buildings opposite in Ellerbeck Road. It also has a more appropriate transition to the more modest height of two-storey dwellings through use of spacing, differences in land levels and the presence of an intervening three-storey building.
13. The presence of Grosvenor Court, therefore, reflects the typical situation in the area where the tallest buildings are located on higher land levels adjacent to South Promenade with a transition to smaller scale buildings beginning much closer to that road and much more effectively than the relationship of the proposal to its immediate surroundings. Its existence as part of the backdrop of the site is, therefore, not justification for the harm to the Coronation Road street scene that would arise from a replacement of the existing bungalows with the significant scale, bulk and massing of the building proposed. In that respect, the attempt to transition to the more modest scale of neighbouring residential properties through graduated stepping of the roof heights of the proposed building would appear less subtle and more contrived.
14. The appellant has referred to the potential benefits of the proposal in removing the existing incongruous bungalows and providing some screening of the rear elevation of Morvern Care Centre which is a dominant, bulky and undistinguished façade when viewed as part of the backdrop of the site. However, the limited benefits of the replacement of the existing bungalows and the partial screening of the existing Morvern Care Centre from some vantage points along Coronation Road does not justify what I consider would be, of itself, a harmful addition to the street scene.
15. The site is largely free from trees and vegetation and has only limited areas of landscaping fronting the existing properties. Approval is not sought for the provision of landscaping as part of the proposal subject of this appeal. Nonetheless, it is reasonable that a reserved matters submission could include soft landscaping in between the building and boundary walls as set out in the illustrative details. The provision of landscaping of that nature would have

benefits in softening the appearance of the building at ground floor level but would not overcome the harm I have otherwise identified.

16. Having regard to all of the above, I conclude that the development would significantly harm the character and appearance of the area. The proposal, therefore, would conflict with Policy CDMP3 of the Wyre Local Plan 2011-2031 (LP), adopted February 2019. The policy, amongst other things, seeks a high standard of design, appropriate to local context and which makes a positive contribution to the local area including respecting or enhancing its character and townscape having regard to relevant issues of density, siting, layout, height, scale, massing and orientation. The policies are consistent with the design objectives of the National Planning Policy Framework (the Framework).

*Living conditions - neighbours*

17. Policy CDMP3 of the LP also seeks that development must not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupiers and users of the development itself. The Council's Supplementary Planning Guidance 4: Spacing Guidance for New Housing Layout (SPG), adopted September 1998, provides specific guidance in that respect that front elevations should be a minimum of 21m apart in order to protect residential amenity.
18. With regard to the above, the siting and layout of the proposal before me has been carefully designed to overcome the concerns of the previous Inspector with respect to the impact upon the living conditions of occupiers of Nos. 26 to 36 Coronation Road opposite. To do so, the proposal would provide a separation distance of not less than 21m between the ground and second floors of those neighbouring properties. To my mind, the resultant separation distances to Nos. 26 to 36 Coronation Road would be sufficient to prevent unacceptable overlooking between the bedrooms of the nursing home and habitable rooms of dwellings. Furthermore, notwithstanding my previous conclusion on matters of character and appearance, the separation distances from the two to four-storey building would be adequate to ensure no unacceptable overshadowing or overbearing effects for the occupiers of the neighbouring properties.
19. The proposed building would be sited relatively close to No 27 Coronation Road at the side. However, the proposed layout of the building includes a marginal set back from the front building line of the neighbouring property and a reduced rear depth in the section closest to the shared boundary. Those design features, together with the possibility of obscuring non-habitable windows in the facing side elevation, would ensure no unacceptable loss of outlook, light or privacy for habitable windows in the rear elevation of No 27 or its rear garden.
20. To the west of the site, the illustrative appearance of the development incorporates a largely blank elevation facing Morvern Care Centre aside from windows at the front corner of the building. In that regard, I have some concerns that there could be potential for overlooking between bedrooms of the proposal and existing windows of the care home at a distance of only marginally in excess of 13m. However, exact window positions are for future consideration. Furthermore, there would be potential to omit windows from the facing side elevation of the building given that the affected bedrooms could be alternatively and adequately served by windows in the front elevation. Given

the potential for such changes as part of a reserved matters submission, I am satisfied that a suitable relationship with Morvern Care Centre could be achieved to avoid harmful overlooking. The separation distance would otherwise be sufficient to comply with the recommended interface distance in the SPG to ensure no unacceptable overbearing or loss of light to the neighbouring property.

21. The separation distance to Grosvenor Court and other properties facing Ellerbeck Road at the rear of the site would be in excess of 21m from the deepest rear section of the proposed building and would be sufficient to ensure no overlooking, overbearing or loss of light to the respective properties even when taking account of some differences in land levels. The proposed kitchen, delivery and service yard would be located towards this aspect. However, safeguards in those respects to limit odours, noise and disturbance could be provided by the imposition of conditions if the appeal were allowed. In reaching that view, I have taken into account that the existing Morvern Care Centre is located close by and that the application indicates that the proposed building would be managed in conjunction with the existing care home.
22. The living environment for residents of the development would otherwise be suitable and based on the evidence before me, the internal layout would comply with the Department of Health "Care Homes for Older People" National Minimum Standards and the layout indicates that adequate external amenity areas would be provided.
23. Having regard to all of the above, I conclude that the development would not harm the living conditions of occupiers of neighbouring properties and would provide a suitable living environment for its future occupiers. The proposal, therefore, would not conflict with Policy CDMP3 of the LP or the Framework in that particular respect.

### **Other Matters**

24. The site is within an accessible location near to Cleveleys Town Centre and lies close to a wide range of facilities, services, and public transport options. The evidence before me indicates that there are benefits in terms of meeting a need for C2 residential accommodation, particularly due to an ageing population in Wyre. There would also be evident economic benefits of the development in providing additional employment opportunities when operational - indicated as 9 jobs (5 full time and 4 part time posts), together with employment involved in the construction phase and benefits to existing businesses and services in the local area, which is a matter afforded significant weight. The appellant has also indicated that the development is intended to support and enhance the viability of the adjacent Morvern Care Centre, and that any further reduction in the number of bedrooms would seriously threaten the viability of the proposed development. However, there is no substantive evidence before me to support those specific assertions regarding financial viability and therefore, I can afford only limited weight to such matters.
25. The effect on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The existing access road off Coronation Road would be utilised with

parking spaces located at the side of the development in a similar manner to Morvern Care Centre on its opposite side.

26. Only five of the six allocated parking spaces would meet the required dimensions and such a provision would fall short of the maximum parking standards in the LP for the proposed use by four spaces. However, when taking into account that the proposal is in an accessible location for public transport with a proposed cycle store also included to encourage sustainable travel, such arrangements are appropriate and would be safe and suitable to accommodate the traffic and parking demand arising from the development. To my mind, any overspill parking could be accommodated without a harmful impact on Coronation Road where parking restrictions are already in place and short term parking is limited to one hour for some periods on Mondays to Saturdays, or alternatively the opportunities for longer periods of parking within walking distance in the surrounding area. The yard at the rear of the development could also be suitably accessed via Ellerbeck Road or the existing access road, including for deliveries and by emergency vehicles. However, the absence of concern in those respects is a neutral factor.
27. The site is within Flood Zone 2. Having regard to Planning Practice Guidance, dwellings located in Flood Zone 2 are classified as 'more vulnerable' and require a Sequential Test, but not an Exception Test. The proposal includes a site-specific Flood Risk Assessment (FRA) and a Sequential Test that reasonably discounts comparable sites as not being suitable, available or sequentially preferable. The Sequential Test is passed and the development is, therefore, appropriate subject to a condition to secure the flood resilience and resistance measures in the FRA which would make the development safe from flooding and would not increase the flood risk elsewhere. Full details of foul and surface water drainage could also be secured by condition. However, the absence of concern in those respects are a neutral factor.
28. The appellant has referred to the officer recommendation to Planning Committee being for approval subject to conditions. However, such matters have little influence on the outcome of this appeal which I have necessarily assessed on its merits to reach my own conclusions.

## **Conclusion**

29. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, the proposal is not in accordance with the development plan as it would harm the character and appearance of the area.
30. The harm identified above and associated conflict with the development plan and the Framework are significant and overriding factors. The material considerations in this case, including the absence of harm to the living conditions of neighbouring properties and the benefits previously identified including support for and expansion of a local business and provision of employment, do not indicate that the application should be determined otherwise than in accordance with the development plan.
31. For the reasons given above, I conclude that this appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR