

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Merok House Rest and Convalescent Home, 46
New Brighton Road, Emsworth, PO10 7QR**

**Local Planning Authority Reference:
APP/14/01303**

**Planning Inspectorate Reference:
APP/X1735/W/15/3130321**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Caldwell Group Ltd AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR Erection of 2No. outbuildings to rear, for office and storage purposes ancillary to the care home at Merok House Rest and Convalescent Home, 46 New Brighton Road, Emsworth, PO10 7QR

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LPA REF: APP/14/01303

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The application site comprises an established care home located in the northern part of Emsworth within the built up area. The surrounding development is primarily residential comprising mainly detached 2 storey dwellings. To the north lies the cul-de-sac of Silvertrees which was constructed on the house and grounds of No48 in the early 1980's. Three of those houses, Nos 8, 9 and 10 closely adjoin the northern boundary of the application site. To the rear the application site is adjoined by other houses of post war construction situated in the cul-de-sac of Danbury Court.

2.0 PLANNING HISTORY

Since the use as a Care Home was approved in 1970, various planning applications have been granted for alterations and extensions including:-

APP/13/00765 Internal alterations and proposed three storey replacement side extension and a proposed replacement two storey side/rear extension with new build addition, and infill of existing central courtyard to form 30No. bed care home. Closure of one existing vehicular access and provision of additional parking. Refused on 18 September 2013 allowed on appeal

APP/13/00275 Refurbishment scheme to existing care home to include replacement three storey extension to south elevation; part single storey, part three storey extension to north elevation; part single storey, part two storey extension to east elevation, and associated works. Closure of one existing vehicular access and provision of additional parking. Withdrawn 09/05/2013

95/53835/003 Single storey rear extension and conservatory to provide four additional rest home bed spaces, conservatory addition to north (dining room) and associated parking revisions Refused 16/05/1996 dismissed on appeal.

20809/6 – Single storey rear extension to provide bedroom accommodation, dining room, kitchen and sitting room for patients, permitted 17/05/1983.

20809/5 – Single and two storey side extensions and alterations to provide additional

bedroom accommodation and self contained flat, permitted 24/09/1979.

20809/3 – Two storey extension, permitted 19/06/1973.

20809/2 – Extension, permitted 19/12/1972.

20809/1 – Alterations, permitted 16/02/1971.

20809 – Change of use from dwelling house to private nursing home, permit 30/09/1970.

3.0 THE APPLICATION

3.1 The application the subject of this appeal is for the erection of 2 No. outbuildings to rear, for office and storage purposes ancillary to the care home.

3.2 The application was refused on the 4 March 2015 for the following reason: _

The proposed development would result in a detached commercial office building in proximity to existing residential properties, resulting in an un-neighbourly and overbearing impact and potential nuisance from activities associated with that use, to the detriment of the outlook and amenities of the occupiers of those properties. As such the proposal is considered to be contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

4.0 PLANNING POLICY

4.1 National policies of relevance to this appeal are contained National Planning Policy Framework (NPPF). This document states that the purpose of planning is to achieve sustainable development, with better lives for current and future generations. Paragraph 9 amongst other things refers to improving the conditions in which people live, work, travel and take leisure, and paragraph 17 sets out 12 planning principles including to ‘secure a good standard of amenity for all existing and future occupants of land and buildings’

4.2 In respect to design paragraph 61 advises that securing high quality design goes beyond aesthetic considerations and identifies the need to address the connections between people and places and integrate new development.

4.3 With regards to local planning policy, the application was determined against the relevant policies from the Havant Borough Core Strategy 2011, which was adopted on 1 March 2011 and forms part of the Local Development Framework. The relevant policy comprises CS7 (Community Support and Inclusion), CS16 (High Quality Design), DM7 (Elderly and Specialist Housing Provision) DM10 (Pollution), DM12 (Mitigating the Impacts of Travel), DM13 and DM14 (Car and Cycle).

Policy CS7 (Community Support and Inclusion) identifies the need to provide services for older people and other vulnerable groups Policy CS16 (High Quality Design), advises that development proposals would only be permitted where it can be demonstrated that they respect the local context and use characteristics of the locality to help inform the design of new development including heights, massing, existing building lines, plot widths and depths, materials and proportions of doors and windows. Development proposals should avoid causing detrimental impact on the neighbouring properties.

Policy DM7 (Elderly and Specialist Housing Provision) sets out criteria for the assessment of proposals, encouraging such provision provided that schemes

comply with other relevant policies.

Policy DM10 (Pollution) seeks to minimise the harmful effects of development. The mitigation of environmental impacts is required by Policy DM12 and Policies DM13 and DM14 require the provision of parking in accordance with the relevant standards.

5.0 REPRESENTATIONS

5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and 17 neighbour notification letters were sent. In addition one site notice was posted. A total of 6 letters of comments were received by the Planning Authority regarding the planning application. Copies of the representation replies have previously been forwarded to The Planning Inspectorate. A summary of the objections are as follows:

- Overdevelopment. This is a significant increase in building size on an already overdeveloped business site located in a residential area with housing close to its boundaries. The plan as originally submitted shows this new development portrayed on the current site as it now stands. The construction of a substantial development of Merok House, approved last year on appeal, is due to start shortly and so there will be much more building on this site. The garden area has already been significantly reduced and extending this commercial business into the garden area by building office accommodation is disruptive. All office and business management should be contained within the new building. Gardens should be kept for gardening purposes and the peaceful enjoyment.
- Increased light pollution, noise and disturbance. The new office will be located 1m from our boundary and close to windows serving living and bedrooms. Since Merok House is a 24/7 business it is reasonable to assume that the business office will be used 24/7. The building of a permanent office, controlling a commercial complex, so close to our house will cause a significant increase in the air and light pollution, noise and vibration affecting our house and garden.
- Loss of privacy. Due to the low boundary wall those using the office would be able to overlook the adjoining properties resulting in loss of privacy. The proposed permanent office building would have people coming and going, all able to look directly into our home and garden. It would impair the privacy of our home.
- The new position of the garden shed would be only 4 metres from our outdoor patio which we use for relaxation on a daily basis during the summer months.
- Increased urbanisation of the natural environment adjacent to the properties in Silvertrees with the removal of even more of the garden of Merok House. This will impact on existing shrubs and mature trees, destroying the environmental quality of the area, and posing a risk to adjoining properties from a reduction in natural drainage, increasing run-off or seepage and potential structural issues.
- The existing storage shed is to be moved from the NE corner of the property to a position directly in front of our principal living rooms. The new building, a permanent office, will be much larger, almost twice the size of the existing shed.

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the NPPF, relevant policies of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the reasons for refusal given in the Decision Notice, it is considered that the main issue for Considerations are:-

Principle of development

- 6.2 The site lies within the built up area, and comprises an established care home. The proposal would accord with the provisions of Policy CS7, Community Support and Inclusion, of the Havant Borough Core Strategy (Local Development Framework 2011) which identifies a need for new services for older people. The proposed development is considered acceptable in principle.

Impact on neighbouring properties

- 6.3 The proposal contains 2 elements, the proposed storage shed and the office. The storage shed is proposed to be located near the boundary with No 44 New Brighton Road, and would be located some distance from the dwelling on this site. Whilst the shed is relatively large measuring approx 6m by 4m, providing that it is only used for storage and not for items such as bins and fridge/freezers and not as a workshop then this aspect of the proposal is considered acceptable in terms of its impact. If the building were to accommodate a workshop and freezer storage this has the potential to result in noise nuisance but could be addressed by a condition requiring details of insulation.
- 6.4 In respect to the proposed office building, this would be sited 1m from the boundary with 8 Silvertrees and 2m from the boundary with 3 and 4 Danbury Close. It would measure 4m by 6m and between 2.2m and 2.5m in height.
- 6.5 The building which would extend above the boundary treatment of the adjoining properties would appear as a prominent structure when viewed from both ground floor first floor windows adversely impacting outlook.
- 6.6 Whilst the applicant states that the use will be mainly within the working day Monday to Friday, given the 24 hour nature of the care home it is likely that there will be some weekend and evening activity. The office would be located towards the rear of the site and this will introduce activity from staff exiting the main building and accessing the office which together with the need for lighting both in the office and to access the office and for security purposes will increase activity on the site which is already extensively developed in terms of the number of residents and staff associated with a 30 bed care home.
- 6.7 Given this close proximity of the building to the boundary with the residential properties the introduction of a commercial use in this rear garden area would result in nuisance from noise and light which would adversely impact the neighbouring properties, and in particular 8 Silvertrees which has a number of windows to habitable rooms facing and in proximity to this boundary, and has its main garden adjoining this boundary.
- 6.8 The cumulative impact of the matters identified above would result in a significant reduction in the level of amenity currently enjoyed by the adjoining residential

properties and would be contrary to Policy CS16 -1 e of the adopted Core strategy which states:-

All development should demonstrate that:

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

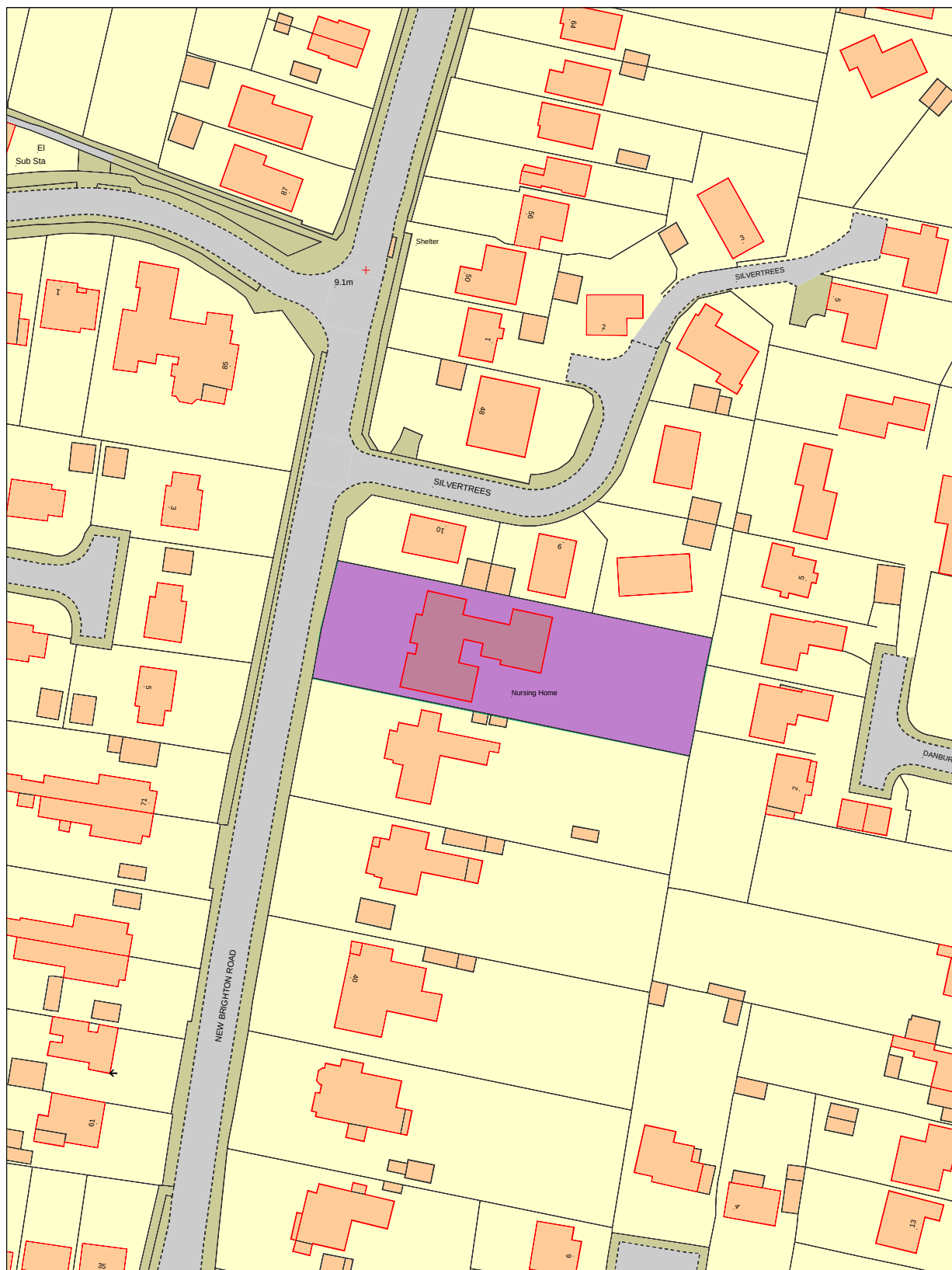
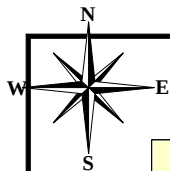
- 6.9 However, there is a need for new services for older people as set out in Policy CS7, Community Support and Inclusion, of the Havant Borough Core Strategy (Local Development Framework 2011). In this case the proposal relates to an existing care home and the development would support the function of the care home, and this needs to be balanced against the amenities of the adjoining residents. In this case because of the overall extent of development on the site (30 bed care home), the primarily residential character of the area and the proximity of the development to the boundaries it is considered that the office element of the proposal would result in nuisance to the neighbouring properties from activities associated with its use and that these impact out weigh the presumption in favour and the need to provide services for the elderly.

7.0 CONCLUSION

- 7.1 For the reasons set out above the Inspector is respectfully requested to dismiss the appeal.

APPENDICES

- (A) OS site plan



10 0 10 20 30 40 50 60 70 80 90 100
Metres

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Hampshire PO9 2AX t: 023 9247 4174



Havant
BOROUGH COUNCIL

Appendix 1 - Location Plan

Drawn By:

Scale:

Drawing No:

Cleaner, Safer, More Prosperous