

Appeal Decision

Site visit made on 8 December 2015

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 January 2016

Appeal Ref: APP/X1735/W/15/3130321

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Caldwell, Caldwell Group Ltd against the decision of Havant Borough Council.
 - The application Ref APP/14/01303, dated 16 December 2014, was refused by notice dated 4 March 2015.
 - The development proposed is the construction of 2 outbuildings to the rear of the garden. One to be used as an office, the other to be used for storage – both uses to be associated with the running of the care home.
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Decision

1. The appeal is dismissed insofar as it relates to the outbuilding to be used as an office.
2. The appeal is allowed and permission is granted insofar as it relates to the outbuilding to be used for storage - the use to be associated with the running of the care home at Merok House Rest and Convalescent Home, 46 New Brighton Road, Emsworth, Hampshire, PO10 7QR, in accordance with the terms of the application, Ref APP/14/01303, dated 16 December 2014, insofar as relevant to that part of the development hereby permitted and subject to the attached schedule of conditions.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 8 Silvertrees and Nos 2-4 Danbury Court.

Reasons

4. Merok House Rest and Convalescent Home is a substantial detached building set in a large rectangular plot surrounded by residential development. A rear extension is currently under construction which has reduced the size of the garden behind but a good sized grassed area remains with a few trees. A medium height brick wall surrounds the rear garden on all three sides but it is clearly overlooked by two storey housing to the north and east.
5. The appeal proposal is to relocate an existing shed in the north east corner of the garden further along the northern boundary and to erect an office building in its place. A similar building would be erected in the south east corner of the garden for storage purposes.

6. The monopitch office building would be approximately 6 m x 4 m in size with the long side positioned only about 1 m from the side boundary with No 8 Silvertrees, a two-storey detached house in the adjacent cul-de-sac. The roof of the building would slope down towards the boundary wall but being between about 2.2 m and 2.5 m high would rise up to about 0.9 m above the wall when seen from No 8. The existing shed, which has a double pitched roof lengthways, would rise a similar amount above the wall in its relocated position again about 1 m from the side boundary.
7. No 8 is a substantial detached property but it sits centrally in its plot and has a short rear garden for a property of its type. The principal windows of the ground floor living rooms consequently face the boundary wall only a short distance away so the combination of the new office building and relocated shed would be visually intrusive in the outlook from these living room windows. In addition, the south facing patio and small rear garden immediately behind the property would be significantly affected. I appreciate that there was a greenhouse in the position where the shed would be relocated until recently but this had been removed by the time of the site visit.
8. In order to provide some further screening between the rear garden of Merok House and No 8 the wall is already supplemented by two lengths of tall hedge. If these were extended to screen the new office and relocated shed it would increase the sense of enclosure in the small back garden and limit the sunlight reaching it, significantly reducing its attractiveness as an amenity space.
9. The impact on the outlook from Nos 3-4 Danbury Court would be rather less as these have longer back gardens, the building would be located about 2 m from the boundary wall and the rear windows would face the end of the building. Nevertheless, the building would still rise up to about 0.9 m above the wall resulting in some visual intrusion.
10. In addition to its physical impact, the proposed office would generate a new level of activity in the rear garden of Merok House which currently has only informal recreational use. Whilst the office is initially intended to accommodate the Director and Finance Manager part time, over time it could develop a more intensive use. It would accommodate two people and involve them coming and going to and from the main house during the working day and potentially into the evening and weekends. Although the building would be insulated and double glazed in accordance with the building regulations some general office noise (eg from conversation, telephones ringing, printers) would be likely to escape, particularly when the door and windows are opened. These would face away from No 8 but obliquely towards No 3 where the rear boundary wall would only provide some screening.
11. The proposed office would be overlooked by the rear windows of Nos 8 and 3-4 and situated immediately behind their relatively small rear gardens. Even if additional screening is provided to reduce the visual intrusion of the building and people coming and going there would be a significant level of noise and disturbance compared to the current informal use of the garden. This would be more intrusive than the noise and disturbance which is likely from a normal domestic rear garden and would have a significant impact on the quiet living conditions which could reasonably be expected by these nearby residents. There could also be some limited loss of privacy from visitors to, and light spillage from, the office.

12. The proposed storage building in the south east corner of the garden would have similar dimensions to the office building and would be sited a similar distance to the side and rear boundaries. However, there is no property in an equivalent position to No 8 Silvertrees and the garden of No 2 Danbury Court is larger. In addition, as a storage building, it would only have relatively infrequent visits and no internal activity. The resulting noise and disturbance would be minimal and not significant for nearby residents. The Council have no objection to this element of the proposal provided the use is limited to storage. Although the appellant has given assurances regarding the use of the building a condition could be imposed to prevent the installation of electrical appliances which might cause a noise nuisance.
13. For these reasons the office would have a significant harmful effect on the living conditions of nearby residents, in particular visual intrusion on the outlook from No 8 Silvertrees and noise and disturbance in relation to No 8 and Nos 3-4 Danbury Court. This would be in conflict with policy CS16 of the Havant Borough Core Strategy 2011 which seeks to ensure development does not cause unacceptable harm to the amenity of neighbours through the loss of privacy, outlook and noise. However, the store would not have a significant harmful effect on the living conditions of nearby residents and accordingly would meet the requirements of policy CS16.
14. I have considered all the other matters raised in support of the office element. These include the accepted need for new services for older people but this does not in itself justify a detached office. Since the garden does not serve a domestic function the permitted development rights of a dwellinghouse are not relevant. In my view none of these matters outweigh the finding on the main issue.

Conditions

15. The Council have suggested three conditions should the appeal be allowed and the appellant accepts these. I agree they meet the necessary tests and also consider that a condition limiting the use of the store is necessary.
16. As well as the standard implementation time limit, condition 2 is necessary to define the approved plans. Condition 3 is necessary to ensure the satisfactory appearance of the storage building and condition 4 to prevent any noise nuisance to nearby residents.

Conclusion

17. Having regard to the above I conclude that the office should be dismissed and the store allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as relevant to that part of the development hereby permitted: Drawing numbers 1250 rev A Location & Block Plan; 1250 rev F Plans, Elevations, Section; BJH01 Tree Survey Plan; BJH02 Root Protection Area Plan and BJH03 Tree Retentions and Removals Plan.
- 3) Construction of the development hereby permitted shall not commence until samples and details of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
- 4) The development hereby permitted shall only be used for the purpose of storage in connection with the running of the care home and no freezers, refrigerators or other electrical appliances shall be installed in the building.