



Town and Country Planning Act 1990

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

Written Representations Appeal Statement of Case

Appellant: Caldwell & Beling Ltd
Local Planning Authority: Havant Borough Council

July 2015

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Document Control

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1.0 Introduction

1.1 WYG Planning & Environment has been appointed by the appellant, Caldwell & Beling Ltd, to represent them in this planning appeal. The appeal is lodged against the decision of Havant Borough Council (HBC) to refuse full planning permission for two outbuildings to the rear of the care home providing office and storage facilities, ancillary to the main care homes at Merok House, 46 New Brighton Road, Emsworth under reference APP/14/01303.

1.2 The planning application was submitted to the Council on 17 December 2014 and was refused planning permission by the planning officers under delegated authority. The decision notice is dated 4 March 2015. The one sole reason for refusal focuses on the office element of the application and is as follows:

1. *The proposed development would result in a detached commercial office building in proximity to existing residential properties, resulting in an un-neighbourly and over bearing 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.*

Structure of this Statement of Case

- 1.3
- Section 2 describes the existing site and surroundings.
 - Section 3 examines the planning history of the site.
 - Section 4 describes the proposals.
 - Section 5 outlines the relevant planning policy.
 - Section 6 sets out the appellant's case for granting planning permission.
 - Section 7 provides a summary of the benefits of the proposal and draws conclusions.



2.0 The Appeal Site and Surroundings

- 2.1 Merok House currently comprises an established care home located within the defined urban area, in the northern part of Emsworth, on the east side of New Brighton Road. The site covers a total site area of 0.19 hectares (ha).
- 2.2 The site is located in a primarily residential area and there are no Listed Buildings or Conservation Areas affecting or within close proximity to the site. To the south the site adjoins a large detached three storey dwelling at No.44 New Brighton Road and to the north lies a cul-de-sac known as Silvertrees, with 3 x two storey dwellings (Nos. 8, 9 & 10) adjoining the northern boundary of the site. The eastern (rear) boundary of the site adjoins existing two storey dwellings in the cul-de-sac known as Danbury Court. The opposite side of New Brighton Road, to the west of the subject site, consists primarily of two storey dwellings.
- 2.3 Merok House was originally constructed as a large detached dwelling in the early 1900s. The property was subsequently converted into a rest and convalescent home in 1970 and various applications since this time have allowed the building to be gradually extended to provide 22 beds in 18 rooms, as well as ancillary facilities such as a kitchen and laundry. The height of the existing building varies from single storey to three storeys.
- 2.4 The proposed outbuildings will provide office accommodation ancillary to the main building and a storage facility for the general day to day running of the care home. It will allow for an office space which will benefit both the staff and residents providing a modern space and a higher level of discreetness than can be managed in the existing office inside the main building. The storage facility will provide a more accessible storage room; bespoke to the purposes for which it is required.



3.0 Planning History

- 3.1 The planning history of the site comprises a number of historic applications demonstrating the long evolution of the site into the rest and convalescent home which exists today. The most relevant planning applications are detailed below.
- 3.2 **20809** – *Change of use from dwelling house to private nursing home.* Permitted 30/09/1970.
- 3.3 **20809/1** – *Alterations.* Permitted 16/02/1971.
- 3.4 **20809/2** – *Extension.* Permitted 19/12/1972.
- 3.5 **20809/3** – *Two storey extension.* Permitted 19/06/1973.
- 3.6 **20809/5** – *Single and two storey side extensions and alterations to provide additional bedroom accommodation and self contained flat.* Permitted 24/09/1979.
- 3.7 **20809/6** – *Single storey rear extension to provide bedroom accommodation, dining room, kitchen and sitting room for patients.* Permitted 17/05/1983.
- 3.8 **95/53834/003** – *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.
- 3.9 **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.
- 3.10 **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 18/09/2013 permitted on appeal 12/05/2014.



4.0 The Proposal

- 4.1 The scheme proposes to develop two new outbuildings to the rear of the care home, to provide an office and a store. The office is to be located in place of an existing shed in the north eastern part of the plot. The existing shed will be relocated to the east in place of a recently removed greenhouse. The second outbuilding, a store, is to be located in the south eastern part of the site, in the broad location of a recently removed shed. The total number of outbuildings will remain the same (4) and are located broadly in the same location within the curtilage of the care home.
- 4.2 The proposed store and office have been designed to replicate and complement the style and form of the recently removed outbuildings and their location within the grounds of the care home. The two outbuildings are to be constructed using insulated timber cladding and flat felt roofs to respect their garden setting. The office is proposed to have a double glazed door and UPVC double glazed windows. The door is proposed to be on the southern elevation facing towards the store along with two UPVC double glazed windows. The location of the windows and doors means that they will face inward into the site. The window sizes mean they would only be partially above the height of the existing garden wall surrounding the site.
- 4.3 The store is proposed to have three separate storage areas of equal size. Stores One and Two are proposed to be accessed from the northern elevation. The third store will be accessed from the western elevation. The doors to the storage areas are proposed to be timber boarding to match the timber cladding of the store and office. The store will be used for the storage of garden tools and some consumables for the care home.



5.0 Relevant Planning Policy

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, in the determination of planning applications, decisions are made in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The Development Plan comprises the Havant Borough Local Plan (Core Strategy) adopted on 1 March 2011 and the saved policies of the Havant Borough District-Wide Local Plan adopted September 2005.

National Planning Policy Framework

5.3 The National Planning Policy Framework (NPPF) was published in March 2012 and establishes a presumption in favour of sustainable development, encompassing, amongst other things, building a strong competitive economy, delivering a wide choice of high quality homes and good design. It is a requirement that Local Planning Authorities positively seek opportunities to meet the development needs of their area (Paragraph 14).

5.4 Underpinning plan-making and decision-taking, the NPPF sets out 12 core planning principles at Paragraph 17. Of particular note these principles consider that planning should:

- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always seek to secure high quality design;
- Support the transition to a low carbon future;
- Improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

5.5 Paragraph 19 advises that significant weight should be placed on the need to support economic growth through the planning system.

5.6 Paragraph 20 states that to help to achieve economic growth local planning authorities should plan



proactively to meet the development needs or business. Paragraph 21 states that investment in business should not be over burdened by the combined requirement of planning policy expectations.

- 5.7 Design is covered in Section 7, where the Government attaches great importance to the design of the built environment. This policy highlights that good design is a key aspect of sustainable development, that should be indivisible from good planning, which in turn should contribute positively to making places better for people.
- 5.8 In relation to decision making, paragraph 187 states that local planning authorities should look for solutions rather than problems. Local planning authorities should work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area.

Havant Borough Core Strategy 2011 to 2026

- 5.9 The site lies within the administrative boundary of Havant Borough Council. On 1 March 2011, the Council adopted the Havant Borough Core Strategy which sets out the planning framework for the Borough until 2026. The following policies are considered to be of most relevance to the appeal proposal:

Policy CS16 – High Quality Design

Policy DM7 – Elderly and Specialist Housing Provision

Policy DM10 – Pollution

- 5.10 Policy CS16 seeks high quality design and states that planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design responds to, draws inspiration from and respects local context, produces a positive relationship between buildings, street and spaces both existing and proposed, is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all and adapts to the changing needs of the users and the changing climate over the lifespan of the building. Development must not cause unacceptable harm to the amenity of neighbours through the loss of outlook, privacy, noise or overlooking.



- 5.11 Policy DM7 provides that within the defined urban areas, development specific to the requirements of the elderly, people with disabilities or other forms of specialised supported housing provision will only be permitted provided that the following relevant criteria are met:
1. It is demonstrated that appropriate levels of on-site amenity space are accessible for residents' use which provides a satisfactory outlook for all residents.
 2. A setting for the building is provided which is in keeping with the surrounding area.
 3. Sufficient space for servicing is provided.
 4. Services that may generate noise and disturbance (such as laundry rooms, kitchens and refuse storage) are located and designed to avoid undue disturbance to the amenities of neighbouring properties.
 5. The development would not result in a concentration of such uses in one of the five areas of the borough or an over-concentration within each of these areas.
- 5.12 Policy DM10 relates to pollution and states that development that may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat, electromagnetic radiation and other pollutants will only be permitted where the health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk.

Saved Policies of Havant Borough District-Wide Local Plan

- 5.13 The Havant Borough District-Wide Local Plan (HBDWLP) was adopted in September 2005 but since September 2008 only 'saved' policies from the HBDWLP have been taken forward as part of the transition to Havant Borough's Local Plan. The number of saved policies has gradually reduced since September 2008, being deleted when the content of the policies have been superseded by other policy documents such as the National Planning Policy Framework or the Havant Borough Local Plan (Core Strategy) March 2011.
- 5.14 The number of saved policies will continue to reduce as further Local Plan documents are developed. The remaining saved policies primarily relate to specific site allocations whilst the emerging Local Plan (Allocations) Development Plan Document (DPD) is currently being prepared.



6.0 The Case for the Appellant

6.1 This section sets out the appellant's case in detail, with specific regard to the one sole reason for refusal of planning permission relating to the office element of the application identified in Section 1.0 above, which is explored in detail below.

6.2 Reason for refusal

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 contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

6.3 In response to these concerns, the impact on residential amenity, perceived overbearing impact, and potential nuisance from activities through the use of the office are addressed in this section having regard to the provisions of Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

6.4 Residential objections

There were 6 objections received from nearby residents regarding the proposals. The main issues that the residents felt were of concern to them included overdevelopment, increased light pollution, noise and disturbance, loss of privacy, increased urbanisation, and the size of the replacement outbuildings. These comments have been taken into account in the creation of this appeal statement.

6.5 Impact on residential amenity

The proposed design of the office is sympathetic to its garden setting comprising insulated timber cladding with a flat felt roof. The office has a similar appearance to a shed. The scale of the office is sympathetic to its location whilst being suitable for purpose. The office measures 6m by 4m, a modest size for an outbuilding of the intended purpose. The height of the office is a maximum of 0.9m above the height of the existing boundary wall at its southern elevation, sloping upwards from north to south. Whilst partially visible the office is not considered dominant in respect to neighbouring properties and should not be considered as overbearing. The proposed outbuildings, in conjunction with the relocation of the existing outbuildings, will result in there



continuing to be 4 outbuildings in the curtilage of the care home. These will be in broadly the same position as the existing / removed outbuildings have historically been located. In response to the concerns of residents, the plans submitted as part of this appeal statement show the recently approved extension to the care home. It is submitted that the approved extension, in combination with the 4 outbuildings, will ensure that a significant proportion of the site is retained as rear garden and that the green setting of the site and the contribution that this makes to the character of the area is preserved.

6.6 The appellant states that the office is proposed to be used purely as an administration office. It will primarily be used by two members of staff so movement into and out of the office will be limited. The normal hours of operation will be 9:00am to 5:00pm on Mondays to Fridays. Occasionally there may be weekend use. The office will be used only as an administrative office for the care home and will not be used to facilitate any other business uses. Taking into account these points, the activities associated with the use of the office and store will not present a nuisance to adjoining neighbours.

6.7 **Privacy and overlooking**

The office is proposed to have a double glazed door and UPVC double glazed windows. The door is proposed to be in the southern elevation facing towards the store along with two UPVC double glazed windows. A previously proposed single double glazed UPVC window in the western elevation has been deleted to address neighbour concerns.

6.8 The location of the windows and door means that they will face inward into the site, limiting views over neighbouring properties from within the office. The windows and glazed door for the office extend only 0.5m above the height of the boundary wall such that any oblique views towards adjoining properties will be restricted.

6.9 **Noise and Lighting**

The office is proposed to use double glazed windows and a double glazed door, as well as solid insulated walls. The applicant states that the office is proposed to be used purely as an administration office. Low levels of noise generated by the use of the office will remain contained within the confines of the insulated office walls. As a result the impact of any additional noise will be negligible on adjoining properties.

6.10 The location and height of the proposed office will result in an outbuilding which should not be



considered highly visible from neighbouring properties. The proposed windows and door are limited in the extent that they will project above the existing garden wall surrounding the grounds of Merok House, face away from the properties to the north and have an oblique relationship with the adjoining properties to the east, such that light from internal uses would only be partially visible from adjoining dwellings. There are no external lights proposed for the outbuildings. Therefore, any impact of light from the office on neighbouring properties is likely to be negligible.



7.0 Conclusion

- 7.1 The proposed development will contribute to the improved day-to-day running of an established care home to meet the social need for high quality care homes for the elderly with the advance of an ageing population, in accordance with Policy DM7 of the Core Strategy.
- 7.2 The proposed outbuildings have been carefully designed in order to minimise any adverse impacts on the outlook and amenity of the adjoining properties, including taking into consideration the comments received from residents.
- 7.3 Whilst the outbuildings may be partially visible from the neighbouring properties it is the appellant's contention that any associated potential impacts are negligible and are outweighed by the other benefits that the proposals will provide to the care home. The low profile and 'garden character' of the proposed buildings together with the orientation and positioning of the door and windows have been considered carefully in the design of the proposals in order to minimise any potential impact on neighbouring properties.
- 7.4 It is submitted that the proposals accord with the National Planning Policy Framework and Havant Borough Council's Core Strategy and will offer significant benefits to the care home, whilst respecting the amenity of the adjoining neighbours. It is therefore respectfully requested that this appeal is allowed.