The Planning Inspectorate

Appeal Decision

Site visit made on 22 April 2014

by A Harwood CMS MSC MRTPI

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

Decision date: 10 June 2014

Appeal Ref: APP/H1033/A/13/2209826
Welby Croft, Crossings Road, Chapel-en-le-Frith, High Peak, Derbyshire, SK23 9RY

- 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 and Mrs C P Andrew against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0203, dated 12 April 2013, was refused by notice dated 7 June 2013.
- The development proposed is a single storey rear extension, second storey extension and associated improvements to existing accommodation and parking arrangements.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue if the effect of the proposals upon living conditions at neighbouring properties due to the size and proximity of the proposed extensions including the proposed position and type of windows.

Reasons

3. Welby Croft is a residential care home on the suburban edge of Chapel-en-le-Frith, a busy town in a picturesque rural setting. The care home presently includes accommodation for 23 residents in a building that includes the original two-storey structure towards the northern side of the site and a single storey element to the south. The proposal would involve adding a floor on the same footprint as the single storey element with pitched roofs that would respect the general appearance of the existing building. The extensions would provide an additional 12 bedrooms, improving existing rooms as well as enabling the insertion of an elevator and reducing the level changes within the building.

4. Part of the proposal includes increased parking at the front of the building on an area currently including a lawn and landscaping. Also a lean-to extension is proposed along the eastern side of the building providing improved dining and lounge accommodation. The Council confirms that these elements of the proposal would not adversely affect neighbours' living conditions. I agree and

the main concern from the Council and neighbouring occupiers relates to the two storey extension which would raise the height of the building substantially. It would also include windows facing towards the adjoining properties.

5. Welby Lodge, is located to the southern side of the appeal site on lower land. There are habitable rooms in the northern side of the dwelling. The lounge on the ground floor has windows within the front of the building, facing pleasant open countryside. The window facing north towards the appeal site also faces towards the driveway, boundary planting and the existing single storey part of care home which is set off of this boundary at its nearest point by around 2m. It is at an angle relative to the boundary. I do not consider that the proposed increase in height would bring about any significant increased sense of enclosure for the occupants Welby Lodge in the driveway and neither would it be oppressive or over-bearing for them within ground floor rooms. The garage would also help to reduce the impact for occupants of the dwelling when using the rear garden.

6. The first floor bedroom at the front of the dwelling has similarly arranged windows to the lounge albeit that the one facing the appeal site is a roof-light. That is positioned low on the northern roof slope and although the amount of sky visible out of that window would be reduced as a result of the extension, occupants of that bedroom would not experience a loss of amenity. Should they wish to sit in that bedroom the outlook to the front over the countryside from the end windows would remain unaffected.

7. The other affected first floor room (used as an office at the time of my visit) in the northern side of the dwelling only has a roof-light for any form of outlook and is much darker than other rooms. The care home is to the north and set away from the dwelling by a substantial distance. The increased height of the care home would be noticeable from this room but I do not consider that it would bring about an oppressive sense of enclosure or overshadowing.

8. The proposal would reduce the outlook from these bedroom windows in particular but the residents using these rooms would not be unreasonably affected. There would be a good degree of space between the dwelling and the appeal property. The increase in height would be at sufficient distance from the boundary to not cause any substantial loss of light to the side windows.

9. The proposed windows facing towards Welby Lodge would serve rooms and the stair-well all of which could be obscure glazed without impacting upon the occupants of the care home. I am concerned that the large window serving the stair-well in particular would loom over the approach to Welby Lodge. Even if occupants of the care come would not be able to see out of it, it would create a sense of overlooking including at night when internal lights may be switched on.

10. The proposed two storey extension on the eastern side of the rest home would project towards the dwelling at No 37 Bagshaw Avenue. That dwelling has a garage at the side and its garden partly adjoins the boundary at the closest point of the proposed extension. The proposal would not have an imposing impact upon the occupants of that property.

11. There would be 2 first floor bedrooms on the eastern end of the extension. These would both have windows facing towards No 37. The bedroom in the proposed northern corner would have one window facing northwards which

would mainly face public areas and another looking over the garage of No 37 therefore not causing any harmful overlooking.

12. A window in the other room in the south eastern corner of the extension would face towards the rear garden of No 37. Although it would not be directly on the boundary, it would be close enough to overlook that garden to a degree that would cause a significant loss of privacy. I do not consider that it would be reasonable to obscure glaze that window because that would substantially reduce the amenity of the room its occupant. Even though these bedrooms are for elderly residents who also have access to communal sitting rooms, there are bound to be times when the occupant of that room may wish to sit alone in their private room looking out of the window. Even if it were reasonable to obscure glaze that window, it would still create a perception of being overlooked for the occupants of No 37 when in their garden. This window would also look towards the very rear-most part of the garden of Welby Lodge which is a far less sensitive part of that property. The side window would be a porthole style which could face southwards across the roof of the garage at Welby Lodge and as a consequence would not cause any significant impact.

13. In relation to the main issue, the proposal would have a harmful effect upon living conditions at neighbouring properties the due to the position and type of windows being proposed in part of first floor extension. There would be an unacceptable loss of privacy as well as perceived overlooking for the adjoining occupiers. I consider that this would not comply with policy GD5 of the High Peak Local Plan, adopted March 2005. In these respects, the policy is consistent with the National Planning Policy Framework.

Other Matters

14. I realise that the proposals are part of an extensive refurbishment scheme for the building. I saw at my visit that there were a number of changes in level which must be difficult for some residents with mobility problems to negotiate. The insertion of the elevator will negate the current need for some of the stair lifts which can restrict movement on the stairs for all users of the building. There would be other improvements to the standard of accommodation. I do give these issues some weight in my decision.

15. In the other appeal case referred to by the appellant for extensions to Blythe House Hospice, nearby in Eccles Fold (APP/H1033/A/10/2128521) the Inspector considered that the loss of amenity, including that due to the perception of overlooking, would be limited. I am not aware of all of the circumstances of that case and I have reached my conclusion here on the merits of this case as I see them. I therefore do not consider that the significant benefits for the care home users and owners outweigh my conclusion on the main issue.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Harwood

INSPECTOR