



# Appeal Decision

Site visit made on 7 May 2024

**by Helen Hockenhull BA (Hons) B.PI MRTPI**

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

**Decision date: 13 June 2024**

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**Appeal Ref: APP/P2365/W/24/3336302**

**29 The Winsters, Skelmersdale, Lancashire, WN8 8NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Eunoia-Living against the decision of West Lancashire Borough Council.
  - The application Ref 2023/0429/FUL, dated 13 May 2023 was refused by notice dated 5 October 2023.
  - The development proposed is the change of use from Dwelling-house (Class C3) to Residential Care Home (Class C2).
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## Decision

1. The appeal is allowed, and planning permission is granted for the change of use from Dwelling-house (Class C3) to Residential Care Home (Class C2) at 29 The Winsters, Skelmersdale, WN8 8NG in accordance with the terms of the application, Ref 2023/0429/FUL, and subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan scale 1:1250, Block Plan scale 1:500, Proposed Layout Plan Drawing no. Win 29A.
  - 3) The maximum number of persons resident at the premises at any one time shall not exceed three.

## Applications for costs

2. An application for costs has been made by the appellant against the Council. This application is the subject of a separate Decision.

## Main Issues

3. The main issue in this case is the effect of the proposal on the living conditions of the occupants of nearby residential properties, with particular regard to increased noise and vehicle congestion.

## Reasons

4. The appeal site forms a three-bedroom mid terrace single storey bungalow located on The Winsters in Skelmersdale. The property was formerly a Council house. Access is via a public footway shared with other residents in the block which also gives access to an area of local shops. Car parking is provided in communal areas. Some properties have access to a garage, which I understand are rented from the Council.

5. It is proposed to change the use of the bungalow to a residential care home for three adults living together with care from two staff members, 24 hours a day. The residents would be receiving s117 aftercare under the Mental Health Act following discharge from hospital. Staff would work 12 hour shifts with one staff member sleeping in the fourth bedroom/office during the night with one staff member working a waking shift. Other professionals may visit the property as necessary. The use proposed is appropriate in a residential area and the Council raise no objection to the use in principle.
6. The Council has raised concern that the proposal may lead to increased noise, due to the activities of residents, comings and goings of carers and other professionals etc. It is explained in the Officer Report that the Council have considered the imposition of conditions, such as the requirement for a management plan or additional sound insulation to reduce noise. However, the view was taken that these measures would not overcome issues regarding external noise at the property or the increased activity.
7. I acknowledge that there would be five adults in the property and as they are not related, this may lead to some increase in activity. However, as built, this is a three-bed property. It could house a large family with grown up children who could be coming and going at different times, with visitors that could vary in number. At staff shift changeover, which I am advised could take 10 minutes, there could be the potential for some noise from vehicles and doors shutting etc. However, this would be twice a day for a short period only.
8. The compact layout of the terraced bungalows and the central position of the appeal property with a walkway in front, means that visitors must walk past adjoining dwellings. Whilst this may create some noise and disturbance, this is a public walkway used by other residents to access the shops. Any additional activity would in my view not be so significant as to impact residential amenity.
9. The appeal property has a small rear amenity space which could be used by residents. I have no evidence before me to suggest that this use would create any more noise than a normal family for example with children playing football, shouting etc.
10. In light of the above, I find that the proposal would not cause any significant increase in noise or activity which would adversely affect the amenity of adjoining occupiers.
11. Turning to the issue of car parking, I noted on my site visit, which was during the day, that The Winsters is quite a narrow road with communal car parking. Some vehicles were parked in front of garages and others on the pavement close to individual properties. Whilst there were two or three parking spaces available, it is likely that these would be taken up in the evening and at weekend when residents are not at work.
12. I understand that the intended residents would not have access to a car as they would be prohibited from driving by the DVLA. Vehicular activity would therefore be generated by staff members only. At shift change there could potentially be four vehicles requiring a parking space. A three bed property would normally require two car parking spaces which would accommodate the staff on shift, but not accommodate the staff numbers at shift change. The appellants comments that they try to employ local people so that some staff members may walk to the property. Whilst I accept this could be the case, and

- that the property is in a sustainable location served by public transport, it cannot be relied upon that staff will not be traveling by car. The maximum number of vehicles visiting the property must therefore be considered.
13. The appellant advises that meetings involving a number of professionals could take place virtually, ensuring minimal visitors to the property. I also accept that it is unlikely that the occupants would have family gatherings, parties, friends to stay which one would normally expect in a residential property. This would result in fewer visitors.
  14. I understand that the appellant has been able to secure the tenancy of a garage on The Winsters close to the property which would provide two additional car parking spaces, one inside the garage and one in front. I have no detail of which garage or the term of the tenancy agreement. The garage is not within the red edge of the application boundary so that any permission cannot be tied to its use. The appellant has offered to enter into a section 106 agreement with the Council to rent two garages to secure dedicated car parking to overcome their concerns. However, no agreement has been provided with this appeal, so I am unable to take this into account. In any event, this may not be possible as the Council advises that it is their policy to only rent out one garage per residential property.
  15. I noted on my site visit that some cars park on the pavement close to the owners' property. This on occasion results in pedestrians having to walk in the road. Whilst this is not ideal, the pavement on The Winsters is sporadic with accesses to garages leaving large areas with no pedestrian walkway. It seems to me that pedestrians may walk in the road in any case, which is not uncommon in some more modern residential estates.
  16. The local Highway Authority has not specifically objected to the proposal. However, they refer to the appellant's willingness to rent two garages from the Council, subject to availability, and state that if the Council are happy to do this, they would find it difficult to object to the proposal.
  17. The National Planning Policy Framework (the Framework) in paragraph 115, states 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 impact on the road network would be severe. Based on the evidence before me, I do not conclude this to be the case in this appeal. Whilst this weighs in favour of the proposal, it does not address the issue of harm to residential amenity as a result of vehicle congestion that has been raised by the Council.
  18. The three-bed property could be occupied by a large family with both parents owning cars and older children also having a vehicle. This could result in the same number of vehicles and generate a similar number of trips as the appeal proposal. Such a family may not have access to a garage so all the vehicles would need on street car parking. This is little different to the situation in the appeal scheme.
  19. The appellant has brought to my attention an appeal decision for the change of use of a 5 bed property to a care home for children in St Helens. The issue in this case was the lack of off street parking. The Inspector concluded that the demand for on-street parking in the area associated with the proposed use would be little different to the requirement and demand for on-street parking

associated with the current use. Whilst the appeal scheme is for adult residents needing care, not children, they would not have access to a car. I therefore consider that there are some similarities with this appeal.

20. I acknowledge that car parking on The Winsters is at a premium. No substantive evidence has been submitted that on-street parking currently causes congestion or parking problems that is significantly harmful to the residential amenity of occupiers of the surrounding properties. I accept however, that on street car parking is likely to be at capacity in the evening and weekends and the lack of dedicated parking spaces may cause inconvenience to existing residents.
21. Given the above however, I am not persuaded that the use proposed would generate more traffic and demand for parking than a three-bed family property with both parents and older children having cars. The need for four parking spaces only arises at shift change, unlike a family property where parking would be required at all times.
22. In summary, I find that the appeal proposal would not cause harm to residential amenity as a result of increased noise and vehicle congestion. The proposal would comply with paragraph 135 f) of the Framework and Policy GN3 of the West Lancashire Local Plan which, amongst other things, seek to maintain reasonable levels of amenity for the occupiers of proposed and neighbouring properties.

### **Other Matters**

23. I note from the representations that a neighbour has raised concern about the ability to park close to their bungalow with increased competition for car parking. Car parking is provided on a communal basis with no dedicated spaces. The occupation of the appeal property by a family with multiple vehicles could result in the same issue. This reflects the nature of the area.

### **Conditions**

24. The Council have suggested a number of planning conditions should the appeal be allowed. I have assessed these in light of the advice in the Framework and Planning Practice Guidance.
25. In addition to a standard time condition, I impose a condition referencing the approved plans for the avoidance of doubt. Also, I impose a condition restricting the number of persons able to be resident at the property at any one time to three, in the interests of residential amenity and highway safety.

### **Conclusion**

26. For the reasons outlined above, and having had regard to all other matters raised, I allow this appeal.

*Helen Hockenhull*

INSPECTOR