



# Appeal Decision

Site visit made on 15 September 2009

by **Jean Russell MA MRTPI**

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

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**Decision date:**  
**19 October 2009**

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## Appeal Ref: APP/M0655/A/09/2105295

### Norris Street Methodist Church, Norris Street, Warrington, WA2 7RW

- 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 Dr Krishnan Satkunam against the decision of Warrington Borough Council.
- The application (ref: 2008/14014), dated 9 December 2008, was refused by notice dated 1 April 2009.
- The development proposed is described as a "3no. extension to former Norris St Methodist Church, to form residential nursing home".

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### Decision

1. I dismiss the appeal.

### Clarifications

2. Notwithstanding the description of development above, the proposal is for three and single storey extensions to the existing church as well as a change of use.
3. Revised plans were submitted during the course of the planning application. The amendments included alterations to the existing church and the design of the proposed extensions. I understand that the Council's decision was based on the plans 8.0414.100D, 101E, 102C, 103E, 104C, 105C and 106B, and a tree survey drawing 1650\_RevB, as well as a Land Registry Title Plan showing the site location.
4. Another revised plan was submitted with the appeal, 8.0414.100E, proposing the creation of a turning head within the car park. In my view, modifying a proposal at appeal stage is undesirable, as third parties may not be informed of the change and deprived of a chance to comment. In this case, however, I consider that the alteration proposed does not amount to a substantial modification of the scheme. It is put forward in response to concerns of local residents and the Council has commented on it. In my view, it would not prejudice the interests of any party for me to take account of the plan. The objections of local residents remain before me.
5. The appellant also submitted a Travel Plan (TP) with the appeal, which has again been considered by the Council. I am satisfied that the TP does not significantly alter the nature of the proposal and should be taken into account.

### Main Issues

6. I consider that the main issues are the effect of the proposed development on the character and appearance of the surrounding area; its effect on highway safety; and whether it would promote sustainable travel, having regard to single occupancy car journeys.
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## Reasons

### *Character and Appearance*

7. The appeal site comprises a roughly triangular parcel of land bound by Norris Street and O'Leary Street to the north and west; the side boundary of 23 O'Leary Street and an alley to the south; and Venns Road to the east. The site includes a former Methodist Church and church hall in its north and south eastern corners respectively, which are enclosed by overgrown land and railings. The remainder of the site is occupied by a maintained lawn and mature trees. There is a bench by this open area facing O'Leary Street.
8. Norris Street and O'Leary Street form two arms of a crossroads, so the site is at a prominent location in the neighbourhood. There are a few local shops and community facilities around and near to the road junction, and there are some large buildings in the area, such as a hotel, school, block of flats and new retirement village. Otherwise, however, the neighbourhood is dominated by two storey terraced housing and it has a built-up character and appearance.
9. The proposed development is to convert the church to a nursing home. A three storey, L-shaped extension would enlarge the building on its western side and to the rear, and a single storey extension would then wrap around that. A single storey glazed lobby would face O'Leary Street. The building would include 39 bedrooms and ancillary facilities. The church hall would be demolished to make way for the extensions and a 14 space car park accessed from Venns Road.
10. In my view, a care home would fit in well to this existing residential area, particularly since support services such as a doctors' surgery and local shops are located nearby. I consider that a development of this use would be acceptable on the site in principle. I have no objections to the removal of the church hall, since this is a largely drab and functional building. It does include attractive inscription stones but it is proposed that these be saved and incorporated into the care home entrance lobby. This could be ensured by imposing a planning condition.
11. The existing church is neither a listed building nor within a conservation area, so it has no statutory protection from demolition. It is also a relatively modest building, but its appearance is distinctive. It comprises a pitched roof two storey element with single storey wings to each side. The gabled front and rear elevations include first floor picture windows, which have been bricked up but partly with glass bricks in the shape of the crucifix. The windows and doorways facing the front are adorned with stone lintels and cills. Thus, I saw that the church acts as a local landmark and brings architectural variety to the area. I have no objections, again in principle, to its retention, conversion and extension.
12. The proposed three storey extension would be lower in height than the church, because it would have flat and inverted pitched roofs and low ceiling heights. However, that does not mean it would be a subservient addition. In my view, and especially when taken with the single storey extensions, it would be significantly larger than the church in terms of width and depth. It would also project forward of the church and stand nearer to the pavement along Norris Street.
13. I realise that the proposed development would be similar to nearby terraces (and other buildings) in terms of length and height. Most houses in the area are also sited at the back of the pavement. However, the proposed extensions would primarily be viewed in relation to the church they would adjoin. I consider that, as a result of their overall size, they would overwhelm and dominate the original

building. Indeed, the plans suggest that the roof of the church would appear partially 'boxed in'. This brings me to another concern that, because of their flattened roof forms, the extensions would have an unduly bulky shape – in contrast to nearby houses as well as to the church. As a result of their scale, mass, siting and form, I find that the extensions would detract from the church and appear unacceptably obtrusive.

14. In terms of detailed design, I note that some of the proposed windows would reflect the size and shape of others in the church. However, I am concerned that, due to the different floor heights, the windows in the three storey extension facing Norris Street would be poorly aligned with those existing. Many of those windows would also be uniform and clustered close together, giving the extension an unduly standardised appearance, at odds with and harmful to the more idiosyncratic character of the church. In my view, the welcome proposal to reinstate the gable windows of the church would not overcome the jarring visual impact of the development overall.
15. The proposed extensions would be faced in brick, render and timber-effect laminate boarding. I am not persuaded that these varied materials would suffice to mitigate the overbearing bulk of the development or provide design interest. In addition, in the grounds of appeal, it is said that the brick would contrast with that of the church, partly to overcome difficulties in securing one to match. While I can see the sense in that approach, there is a counter-risk that, because the extensions would be faced in three materials, all of a different colour to the church, there would be little visual connection between the old and new structures at all.
16. I also consider that, while the appellant considers it durable, timber-effect laminate would not be of an equal quality to the materials used in the church. I would not refuse permission on these grounds alone, since materials can be controlled by a planning condition (and other documents suggest that matching bricks would be used). However, my concerns on this matter add to my view that insufficient attention has been paid to design.
17. The appellant suggests that a modern design was deliberately chosen, in order to contrast with the traditional style of the church and denote the change of use. In principle, I agree that extensions with a contemporary style can be sympathetic to historic buildings, whereas a pastiche approach can have unsatisfactory results. I also accept that a visually new development in this prominent location could 'refresh' the neighbourhood. However, those general points do not mean that any modern building style would be acceptable here.
18. I consider that, when an old building is to be extended, the existing and new elements should normally be compatible in some material respect, even if they have contrasting architectural styles. Development should be 'of its place' as well as time. In my view, therefore, that the proposed extensions would be 'modern' would not justify their discordant relationship with the church in terms of scale, roof form, fenestration and materials. Moreover, it seems to me that comparing 'traditional' and 'contemporary' designs can create a false dichotomy; detail and quality are as important as period. For the reasons given above, I find that the proposed development would not have sufficient distinctiveness or intrinsic architectural interest to outweigh its lack of affiliation with the church.
19. Turning to the question of green space, I agree with the Council that the existing open land and trees on the site provide an attractive setting to the church and welcome relief from the otherwise high density of development around the

crossroads. The appellant suggests that the approximately half of the site would remain open. I do not dispute this figure and I accept that, subject to conditions, two protected trees could be retained.

20. However, I am concerned that, because of the length and forward position of the proposed extension, and the paving and ramp outside the lobby, little green space would remain within view of Norris Street. The access and parking areas, particularly if the proposed turning head is taken into account, would be of such a size that just a small patch of green space would adjoin Venns Road.<sup>1</sup> Open land would be seen from O'Leary Street, but in my view it would appear small and constricted by new built development and hard surfacing.
21. I consider, therefore, that the green space and trees to be retained would be insufficient to soften the appearance of the proposed extensions or car park. The proposed development would go beyond making efficient use of the site; it would appear unacceptably cramped, particularly from Norris Street. Consequently, it seems to me that the amount of green space to be lost, and the configuration of that remaining, would unacceptably diminish the character and appearance of the street scene at this focal point.
22. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. It would conflict with Policies DCS1 and DCS9 of the *Warrington Unitary Development Plan (UDP)*, which require extensions to be designed to a high standard; preserve or enhance the character and appearance of the area; incorporate attractive landscaping and spaces where appropriate; complement the scale and massing of the existing building; and provide a sympathetic relationship between old and new fabric. It would also conflict with Government guidance in *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)*, which indicates that design inappropriate to its context should not be accepted.
23. In reaching this conclusion, I have noted the appellant's point that building a rectangular block to reflect the size and plan form of the church would result in a development with an unusable footprint. I accept that the functions of a care home will affect its form to significant extent. However, I am not persuaded that this use would justify the size, siting or appearance of the proposed development. Nor am I convinced that the scheme before me is the only one feasible.
24. I have also noted the appellant's references to other new developments in the area. None in my view set a precedent for the scheme before me, since I am not aware of the circumstances in they were granted permission. Most of the other developments are of new buildings rather than extensions in any event. The extension to Lymm Water Tower has a strikingly different design to that proposed.

#### *Highway Safety*

25. Local residents have suggested that congestion can be a problem in this area. I saw that there is persistent traffic around the crossroads, but even here the streets did not appear to be functioning to capacity. Few properties have off-street parking spaces, and on-street parking can impede driver movements, including on Venns Road, from where the proposed care home would be accessed. However, since Venns Road and most other residential roads tended to be quiet, I would not expect serious obstructions or jams to arise here on frequent occasions.

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<sup>1</sup> It is also possible that the parking area would need to be extended further, since the cycle parking facilities proposed in the TP are not yet shown on any plans.

26. It is estimated that the proposed care home could generate up to nine vehicular movements per hour during peak times. In my view, such an increased volume of traffic would have little impact on the operation of the highway network or existing conditions for pedestrians in the area. I also consider that the proposed turning head shown on the revised plan would allow drivers – including of delivery vans, ambulances and similar vehicles – to enter and exit the site in a forward gear. I see no reason to suppose that drivers turning into or out of Venns Road (or from Venns Road to Norris Street) would cause an unacceptable risk of accident.
27. In terms of parking, the site is in an easily accessible and sustainable location. It is unlikely that employees and visitors would all drive when travelling to the development: some would live or work in the local area, while others, since there is a bus stop outside the site, could use public transport. In addition, the families and professionals visiting future occupiers would attend the site at different times. In my view, therefore, while the likely numbers of staff and deliveries have been disputed, 14 parking spaces should be ample for the development. It would be unlikely to give rise to unacceptable overspill car parking on nearby streets.
28. I conclude that the proposed care home would not cause or significantly exacerbate congestion in this area. It would cause no unacceptable loss of highway safety. It would comply with UDP Policy DCS1, which requires development to integrate efficiently with the highway network.
29. In reaching this conclusion, I have noted that the existing church could be lawfully used for purposes such as a crèche or health, arts or educational centre without permission (or the provision of on-site parking). This adds a little weight to my view that the proposed development would not generate unacceptable traffic, although the likelihood of other uses coming forward is unproven.

#### *Sustainable Travel*

30. *Planning Policy Guidance 13: Transport* (PPG13) promotes the widespread use of TPs to help raise awareness of the impacts of travel decisions. It indicates that TPs can help to deliver sustainable transport objectives, such as reduced car usage and single occupancy car journeys, and increased use of public transport, walking or cycling. *Good Practice Guidelines: Delivering Travel Plans through the Planning Process* (Good Practice Guidelines) also indicates that TPs are an essential tool for delivering sustainable access to new development, and should be seen as integral to the wider implementation of an area's sustainable transport strategy.
31. However, PPG13 does not suggest that TP must be submitted with planning applications that are unlikely to have significant transport implications. The Good Practice Guidelines notes, in paragraphs 4.1 and 4.3, that TPs are now regularly required, but that planning authorities should set out clearly when this would be the case in relation to the size and scale of development.
32. UDP Policy LUT10 requires TPs for smaller developments that may give rise to significant amounts of travel in locations where congestion occurs, or where congestion would occur as a result of the proposal, or where local transport initiatives are in place. I am not aware of any such initiatives and so, having regard to my conclusions on the matter of highway safety, I find that none of the criteria of Policy LUT10 would apply in this case. Thus, a TP should be deemed desirable but not mandatory.
33. That said, a TP has now been submitted and should be considered. The Good Practice Guidelines indicates, in paragraphs 2.14 and 6.21 that TP Statements for

- smaller applications should focus on key measures closely geared to the requirements of the site. Table 6.2 of the guidance recommends key elements for TPs, including a site audit, management strategy, and an action plan and budget.
34. I share the Council's view that a high proportion of employees and visitors driving to a care home could travel on their own if this is not discouraged. However, the objective of the submitted TP, to promote sustainable access and travel patterns, is specifically tied to reducing single occupancy car trips. This is to be achieved by promoting car sharing, through advice, guaranteed parking spaces and emergency home travel services to car sharers. Other measures are set out to encourage walking, cycling and use of public transport. In these respects, the Council has not criticised the TP and I consider it geared to the requirements of the site.
35. I also support the proposals for monitoring and reviewing the TP, which are adequate given the scale of development. However, I consider that the TP is lacking in other respects. The section entitled 'Travel Patterns to the Site' fails to name the bus services, cycle routes or even the roads serving the site. It is anticipated that a TP Co-ordinator would be 'nominated from the staff team' but it is not said how the employee would be recruited. The measures described above are to be aimed at within one year but not committed to.
36. PPG13 notes that, under some circumstances, a TP can be made binding by imposing conditions or through a planning obligation. Paragraphs 7.5 and 7.6 of the Good Practice Guidelines suggest that a planning obligation would be the most appropriate approach in the majority of cases, but that conditions can be considered where the requirements of the TP are simple and agreed, and it is only necessary to secure compliance on the measures.
37. In this case, the Council's main objection to the TP appears to concern implementation, and a condition has been recommended in the event that the appeal is allowed. I consider that the deficiencies in the TP go beyond securing compliance on the measures, but nevertheless would be straightforward to remedy, particularly given the small scale of the scheme and the sustainable location of the site. In my view, therefore, a condition could be used to secure a TP with an adequate site audit and management strategy, as well as a commitment to securing sustainable travel measures.
38. I conclude that the proposed development would not generate such a level of traffic or congestion as to necessitate the submission of a TP. The deficiencies in the existing TP could be addressed by condition. On that basis, the proposed development would promote sustainable travel and discourage single occupancy car journeys. It would comply with UDP Policy DCS1, which requires development to avoid undue reliance on the private car, as well as with Policy LUT10, PPG13 and the Good Practice Guidelines.

### **Other Considerations**

#### *Flood Risk*

39. Part of the appeal site lies within Flood Zone 3a (FZ3a) on the Environment Agency (EA) Flood Zone Maps. *PPS25: Development and Flood Risk* indicates that FZ3a comprises land with a high probability of flooding, and that more vulnerable land uses – including care homes – should only be permitted in this zone if the Exception Test (ET) is passed.

40. However, PPS25 also emphasises the importance of a sequential approach to development, so as to direct development away from the areas at highest risk. PPS25 and the accompanying *Practice Guide* (PG) indicate that, when considering planning applications, decision makers should only consider the suitability of sites in FZ3 where the prospective developer has provided evidence that there are no reasonably available alternative sites in FZ1 or 2.
41. In this case, the appellant has provided a Sequential Test (ST), but I am concerned that it is insufficiently robust. The area of search is not defined. Alternative sites are listed, but it is not clear which flood zones they are in. One of those sites, The Old Rectory, is deemed unviable to develop, but the assertion is not adequately verified. The appellant has also carried out an ET, but PPS25 and the PG indicate that the ET should only be applied if the ST shows no alternative site at a lower risk. Whether or not the benefits of the proposed development would outweigh the flood risk, as the ET concludes, this cannot override a failure to satisfy the ST.
42. The Council did not refuse permission on flood risk grounds. The EA had no objections to the proposal, subject to the mitigation measures recommended in the appellant's Flood Risk Assessment (FRA). In this situation, I would not dismiss the appeal on flood risk grounds alone. However, the deficiencies of the ST add to my concerns, as set out in relation to the first main issue, that the proposed development requires further consideration. It would comply with UDP Policy REP4, but this pre-dates PPS25.

#### *Benefits of the Proposed Development*

43. The appellant suggests that the proposed development would beneficially provide a competitively-priced care facility for elderly people. However, the Council's Community Services officer has suggested that, while this area has few care homes, the need for beds is not desperate. Since my objection to the development is not in principle but to its design, I consider that there is insufficient evidence of an overriding need for this scheme.
44. I am not persuaded that the church is so subject to break-ins or vandalism that the proposal is necessary to reduce crime. The building could be secured regardless of this appeal decision – while the overgrown land could be tidied and maintained. There is no compelling evidence that the development would meet a proven need for jobs, contracts or expenditure for local people, businesses or shops.
45. It is suggested that retention of the church amounts to a benefit of the proposal. However, since the development would detract from the appearance of the building, I do not consider that any such benefit would be meaningful. It is unclear what the prospects of the church would be if this appeal was dismissed, but in my view the most realistic scenarios are that the church remains as it is, or alternative proposals come forward for its re-use and extension or replacement. With regard to the former option, the building is not dilapidated. With regard to alternative proposals – and the appellant has shown a serious interest in the site – these would need to be considered against PPS1 and the UDP policies requiring a high standard of design. In my view, none of the 'fallback positions' need result in unacceptable harm to the character and appearance of the area, and the proposed development would not be clearly advantageous in comparison.

#### *Other Matters*

46. The appellant negotiated and amended the proposal in response to comments from Council officers, who then recommended approval. I can understand his

frustration at the process, but I cannot comment on the Council's procedures as these are outside of my remit. I have considered the proposal on its merits.

47. I am satisfied that the proposed development would cause no unacceptable harm to the living conditions of nearby occupiers. The extensions would be too far from nearby properties – including 23 O'Leary Street and properties on Venn Road – to cause a loss of privacy, light or outlook. Neither the proposed residential use nor associated car park would be likely to cause unacceptable noise and disturbance. My views on these matters do not outweigh my conclusion on the first main issue.

### **Conclusion**

48. Notwithstanding my conclusions on highway safety and sustainable travel, it is the harm the proposed development would cause in relation to the character and appearance of the surrounding area that leads to my decision. For the reasons given above and having regard to all other matters and planning policies raised, I conclude that the appeal should be dismissed.

*Jean Russell*

INSPECTOR