
Appeal Decision

Site visit made on 10 January 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 17 January 2017

Appeal Ref: APP/T3725/W/16/3159412

Smith's Yard, Old Milverton Road, Warwickshire CV32 6BS

- 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 Ivor Tabor against the decision of Warwick District Council.
 - The application Ref W/16/1220, dated 30 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is a one-bed single storey dwelling in existing residential plot with established access and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal involves the erection of a single storey house to the rear of the dwelling at No 32 Stephenson Close, though it would be accessed from Old Milverton Road and would primarily be seen in the setting of that street scene. The boundaries with Nos 28 and 29 Stephenson Close are demarked by tall, thick hedging and there is a fence, around 2 metres in height on the boundary with No 33 Stephenson Close.
 4. On the west side of Old Milverton Road there are detached two storey houses separated from the road by a wide, open grass verge. Indeed, with the exception of No33 Stephenson Close, there are no other dwellings in proximity of the site which face Old Milverton Road and therefore the context of the development would mainly be the rear gardens of the properties in Stephenson Close. These properties are two storey, pitched roofed, detached houses mostly finished in red brick.
 5. The proposed house would have a very distinctive design. It would have a flat, green sedum roof, with a number of rooflights which would provide the only source of light to much of the dwelling; a small courtyard garden enclosed by the dwelling and fencing of around 2 metres in height; and be finished in orange-red brick with bands of blue engineering brick. Additionally the dwelling would occupy the whole width of its plot and, with the exception of the front parking spaces, the whole depth of its plot.
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6. I consider the design, form and materials of the house would represent a significant departure from the established design and appearance of the surrounding development to the extent that it would appear incongruous in the street scene. Its small size would mean it would not appear prominently, nevertheless its incongruity would be conspicuous.
7. Also the plot would be smaller and visibly narrower than the adjacent plots abutting Old Milverton Road, including that at No 33 which is visually contiguous with No 32. Due to this, and the fact that a high proportion of the ground area would be developed, the proposal would appear cramped and contrived. Consequently, the dwelling would contrast with the spacious, open and verdant character of this part of the Old Milverton Road street scene which is provided by the adjacent gardens and the grass verge opposite.
8. I recognise that paragraph 65 of the National Planning Policy Framework (the 'Framework') advises that buildings that promote high levels of sustainability should not be rejected because of incompatibility with existing townscape if the concerns are mitigated by good design. However I consider the development does not demonstrate good design and therefore whilst it does incorporate some sustainable features, I do not consider this justifies its contrast with local townscape. Similarly whilst the proposal should not be expected to mimic the design of the nearby properties, the development should complement the local character. For the reasons given above I consider the proposal would not do this.
9. I accept the Council do not have a 5 year supply of housing and that the proposal would provide a valuable small unit of accommodation within the existing urban area. However, the contribution of one house to the Council's target would be of limited benefit and it does not justify the provision of a dwelling that would appear incongruous. The fact that the scheme would be a self-build house also does not outweigh the need for the development to be compatible with the character of the area.
10. I also acknowledge that the proposal has local support, that the development would be shorter than the double garage approved for this site¹, and would have no impact on the living conditions of any neighbouring occupier. Nonetheless, this does not outweigh the harm I have found as set out above.
11. The parking arrangement at the site would be similar to that which exists currently, and its small scale and enclosed nature would mean there would be little opportunity for any residential paraphernalia to be visible in the street scene. However the building itself would appear cramped and, as set out above, would appear inharmonious in the street scene.
12. I have been made aware of other examples of development locally which the appellant considers are comparable. Whilst these have similarities with the proposal in terms of their scale, their design appears far more complimentary to their context than the proposed building would.
13. In summary, whilst there are benefits of the scheme, the harm to the character and appearance of the street scene and the area as a result of the dwelling's incongruity would be such that these aspects, even cumulatively, would not justify the proposal. Consequently the development would be contrary to

¹ Planning permission ref W98/0644

Policy DP1 of the Warwick District Local Plan (the 'Local Plan') which requires development to positively contribute to the character of its environment through good layout and design, and the Framework which also supports good design.

14. The Council have accepted that Policy UAP1 of the Local Plan is out of date and therefore only minimal weight can be attributed to this policy. Policy UAP1 promotes development on previously developed land. This is not the case in this appeal as the Framework excludes residential gardens from the definition of previously developed land. Accordingly, the proposal would conflict with this policy also, though I give minimal weight to this conflict.

Conclusion

15. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR