

Appeal Decision

Site visit made on 23 January 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/W3710/W/16/3160918

459 Weddington Road, Nuneaton, Warwickshire CV10 0HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Kershaw against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034090, dated 28 April 2016, was refused by notice dated 28 July 2016.
 - The development proposed is demolition of existing garage and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline, with reserved matter approval sought only for access. I have dealt with the appeal on this basis, and have treated the details submitted of the siting, floorplan and elevations of a single storey dwelling as being for indicative purposes.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property at No 459 is the last dwelling in a short run of quite large and closely spaced dwellings of similar age, with long rear gardens, that front onto the A444 Weddington Road. These dwellings are situated immediately beyond a roundabout serving more recently built housing on both sides of the main road.
 5. The side boundary of the appeal property abuts the steep embankment of a former railway line, which is now a footpath. Beyond this and to the north-west is open countryside. Immediately to the rear of the back garden to No 459 is a substantial balancing pond which manages the surface water drainage from the adjacent new housing estate south-east of the former railway line.
 6. The access details provide for an extended drive alongside the embankment, taken through the site of the side garaging that is to be demolished, serving a
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- dwelling plot in the rear part of the back garden. The indicative plans show a single-storey dwelling sited roughly in the position of an existing flat-roofed outbuilding within the rear garden and on the side closest to the embankment.
7. An outline proposal for a dwelling on this site was the subject of an appeal¹ dismissed on 7 January 2016 and this earlier decision is a material consideration. The appellant considers the previous Inspector made an inaccurate assumption in respect of the indicative plan showing a dwelling of approximately double the footprint of the existing outbuilding. The indicative plan in this submission is of a bungalow of reduced scale and footprint to that considered in the previous appeal and is referred to in the supporting documents as being just 24% larger than the existing flat-roofed outbuilding.
 8. It is acknowledged that the appeal property has a larger back garden than those of its immediate neighbours and that a dwelling could be more readily accommodated within the greater space this provides, where a small bungalow would be completely screened by the railway embankment from views from the countryside to the north. However, a dwelling in this position would be evident in aspects from the neighbouring dwellings and, in longer views across the balancing pond, from the new development to the east.
 9. Although the indicative plans show a small bungalow, which would be suitable accommodation for the appellant in later years, the outline permission sought would not tie the future development to this nature of housing. Regardless of the scale and footprint of the development shown, a dwelling in such a tandem arrangement would be in marked contrast with the prevailing pattern of development in this location, which comprises frontage housing built to a relatively even building line, with quite long rear gardens containing only ancillary outbuildings. Although the more restricted sizes of the neighbouring rear gardens might avoid this scheme establishing a precedent in this particular location, the proposal could do so for similar sized plots elsewhere in this general area.
 10. The substantial amount of new residential development that has very recently been built in the surrounding area would not alter my view that the isolated backland dwelling proposed would be out of keeping with the existing arrangement of housing in this particular location. I appreciate the views of the local County Councillor in respect of the relative impacts of this single proposal compared to the large volume of new housing that has been permitted in the surrounding area. However, despite this large-scale provision of new housing, it remains reasonable to consider this individual proposal in relation to the character of the housing in its immediate vicinity.
 11. Regardless of the scale of dwelling indicated, this outline proposal would not be in keeping with the character of the surrounding housing and, consequently, would be contrary to the aims of saved Policy ENV14 of the Nuneaton and Bedworth Borough Local Plan 2006. This policy seeks that new development be designed of a high standard in keeping with the scale and character of the locality and in compliance with the Council's Residential Design Guide 2004. Paragraph 3.1 of the Design Guide seeks that new development, including individual dwellings, respects the form of the local built environment where backland development, of the kind proposed, is discouraged in paragraph 3.6 due to not providing for a well-integrated settlement pattern.

¹ APP/W3710/W/15/3128729

12. I consider saved Policy ENV14 and the Design Guide advice to be consistent with the core planning principle set out in paragraph 17 of the National Planning Policy Framework (the Framework) that decisions should take account of the different roles and character of different areas. The aim of this policy and guidance is also consistent with part 7 of the Framework and the Government's general objectives in respect of securing good design by new development responding to and improving local character, reflecting the identity of the surroundings, promoting and reinforcing distinctiveness and integrating well into the built environment.

Conclusions

13. Account has been given over the proposal not giving rise to any material harm to the living conditions of neighbouring occupiers, and that the Council finds no harm in relation to highway safety or in respect of flood risk. Despite changes made to the supporting drawings these remain as indicative.
14. Giving appropriate weight to the previous appeal decision, I find that the proposal for a new dwelling in this location would result in harm through being out of character with the existing pattern of housing in this location. As a consequence, having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR