

Appeal Decision

Site visit made on 7 February 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 21 March 2017

Appeal Ref: APP/W3710/W/16/3158111

109 Lutterworth Road, Nuneaton, Warwickshire CV11 6QA

- 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 Roger Wakefield against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 033840, dated 23 December 2015, was refused by notice dated 1 June 2016.
 - The development proposed is the erection of a detached bungalow on land to the rear of 109 Lutterworth Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. To remove superfluous wording that does not constitute development I have used the description of development from the appeal form in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Housing land supply

4. Both parties agree that the Council cannot demonstrate a 5 year supply of housing land as required by paragraph 47 of the National Planning Policy Framework (Framework). The appellant has stated there is a supply of around three years and this has not been disputed by the Council's evidence.
 5. Where the Council is unable to demonstrate a 5 year supply of housing land, paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date. Furthermore, paragraph 49 of the Framework states that all housing applications should be considered in the context of the presumption in favour of sustainable development.
 6. In the light of the above, the relevant policies for the supply of housing found in the Nuneaton and Bedworth Local Plan (LP) 2006 are out-of-date, although none have in fact been drawn to my attention. Rather, the only one to which I have been referred is LP Policy ENV14 which, amongst other matters seeks to
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ensure that development is of a high standard of design in keeping with the character of the locality.

7. Based on my reading of this policy it would not directly influence the supply of housing by restricting the locations where new houses may be developed as its wider purpose is to ensure a high quality of design. As such, I consider that it is not a relevant policy for the supply of housing and should be considered up-to-date by reference to paragraph 49 of the Framework. Furthermore, I consider that LP Policy ENV14 is broadly consistent with the design requirements of the Framework. Consequently, I afford it considerable weight in relation to paragraph 215 of the Framework.
8. It is, therefore, necessary to consider whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

Character and appearance

9. The appeal site currently forms part of the rear garden associated with 109 Lutterworth Road (No 109). Mill Close and Middelburg Close have junctions with Lutterworth Road in the vicinity of the site. Mill Close is a no through road with 3 spurs and one of these spurs provides access to a recreation ground, Paul's Land and is adjacent to the appeal site (access spur). One of the spurs forms Rutherford Glen. Dwellings on Middelburg Close are adjacent to the recreation ground.
10. The area in the vicinity of the appeal site is characterised by a variety of age and style of buildings. The majority of dwellings that front Lutterworth Road in the immediate vicinity have generous, long rear gardens. The dwellings on the main spur of Mill Close are more modern in age and even though they are generously spaced the predominant character of the main spur is derived from the built form of the dwellings that front on to it.
11. Outline planning consent was granted for a dwelling on the appeal site in 1991¹. I have no evidence before me to indicate that this permission is extant and can still be implemented. The development plan that applied at the time of the outline planning consent was not the existing LP. Furthermore, this consent predates the adoption of the Framework. As such, the circumstances that applied at the time that the previous consent was approved are not directly comparable to those before me. Consequently, I give it little weight and in any case, I am required to determine the appeal on its own merits.
12. The proposal comprises a bungalow and it would front onto the access spur and have an entrance drive across its grass verge. The wide grass verge and large expanses of rear landscaped gardens adjoining this access spur impart an attractive verdant character to it which contrasts with the built form of the dwellings on the main spur of Mill Close.
13. I acknowledge that there is an existing garage building at the far end of the garden to No 109 that would be retained with No 109. There are also other outbuildings within the rear gardens to the dwellings on Lutterworth Road. However, the proposal would be considerably larger than the garage and it would have a more domestic appearance.

¹ TP/0621/90 – 1 July 1991

14. I note that the dwellings on Middelburg Close are built to the rear of the dwellings on Lutterworth Road and are closer to the recreation ground than the appeal site. However, the proposal would read as being isolated as it would have residential gardens on three sides and it would be the only dwelling that would directly front onto the access spur. Furthermore, due to its location the dwelling would be a considerable distance from the main spur of Mill Close and it would be to the rear of the dwellings on Lutterworth Road and Middelburg Close.
15. As such, even though it would front a highway, the dwelling would not appear as a natural extension to the existing built development nor would it relate well to the pattern of development in the vicinity of the site. Although the dwelling would be a bungalow, it would be seen in views from the access spur and neighbouring properties and gardens above boundary fences and hedges. Its isolation on the access spur emphasises its incompatibility and incongruity with the existing pattern of development. Consequently, it would result in significant harm to the character and appearance of the area.
16. In arriving at this conclusion I have taken into account the appeal decision² in relation to a site at 4 Mill Close. I acknowledge that the dwelling, the subject of that appeal decision, would be sited in a rear garden of a dwelling. However, it would form part of the built development of the main spur of Mill Close. I note in that case the Inspector found that the dwelling would not be read as an isolated dwelling and it would be read as a natural extension to the existing built development. The appellant has also referred to a bungalow that has recently been completed to the rear of 99 Lutterworth Road. This bungalow is also read as part of the built development on the main spur of Mill Close. As such these cases are not directly comparable to the case before me. In any case, I am required to determine the appeal on its individual merits.
17. Taking into account all of the above the proposal would result in significant harm to the character and appearance of the area. It follows that it would conflict with LP Policy ENV14. It would also conflict with the guidance contained within the Nuneaton and Bedworth Borough Council's Residential Design Guide 2004 which states that new housing development should appear to be an extension to an existing settlement.³ It would also conflict with paragraphs 56 and 64 of the Framework which indicate that good design is a key aspect of sustainable development and expects development to take opportunities to improve the character and quality of an area.

Other Matters

18. With regard to the benefits of the scheme the appellant has stated that matters such as the principle of development, neighbouring amenity, dwelling design, construction materials, matters of access and parking provision are not in dispute and I note that the Council did not object to the scheme on these points. However, a lack of harm in these respects is a neutral consideration and does not weigh for or against the proposal.
19. I can understand the wishes of the appellant to provide accommodation for himself and his wife in the future. However, these personal circumstances are not sufficient to outweigh the harm that I have identified.

² APP/W3710/W/15/3134351 – 18 January 2016

³ Paragraph 3.1

20. The proposal would make a limited contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and community charge receipts. I acknowledge that there would be accessibility benefits associated with the proposal. Specifically, the appeal site is within the built up area of Nuneaton where there is a range of services, facilities and employment opportunities available. One dwelling would be provided in an area where there is an acknowledged shortfall. Consequently, the proposal would make a contribution to the economic and social aspects of sustainability as outlined in the Framework and this is given significant weight but the benefits would only be modest.

Conclusion

21. As such, taking all the above factors into account, I consider that the significant harm to the character and appearance of the area would significantly and demonstrably outweigh the modest benefits when assessed against the policies of the Framework taken as a whole. Overall, therefore, the proposal would not represent sustainable development.
22. The harm that would be caused to the character and appearance of the area also leads me to conclude that the proposal would conflict with the development plan. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
23. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR