
Appeal Decision

Site visit made on 30 May 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 16th June 2017

Appeal Ref: APP/W3710/W/17/3170773

Rear of 82-92 Berrington Road, Nuneaton CV10 0LB

- 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 Batson on behalf of Breson Partnership against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034552, dated 5 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is four detached bungalows with garages.
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Decision

1. The appeal is allowed and planning permission is granted for four detached bungalows with garages at Rear of 82-92 Berrington Road, Nuneaton CV10 0LB in accordance with the terms of the application, Ref 034552, dated 5 December 2016, subject to the conditions contained in the Schedule attached.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and highway safety.

Reasons

Character and Appearance

3. Berrington Road is predominantly residential in character, comprising semi-detached and detached, two-storey dwellings. There is a consistent architectural theme throughout the area with properties being similar in their design, scale and materials used and their open frontages engaging with the streetscene. The uniform building lines, generous spacing between properties, large rear gardens and their set back position from the road make a positive contribution to the pleasant openness of the area.
4. In marked contrast, the appeal site comprises a number of commercial workshops that have a utilitarian appearance. The site is accessed via a long, single driveway that leads to the site, which extends behind the rear boundary of a number of properties fronting Berrington Road. The existing buildings are single-storey and whilst they have no particular architectural merit, they are not readily seen from public views.
5. The proposed dwellings would be single-storey in height and set out in linear form, following a uniform building line. Their simple, low level design and set back position would result in them not being read within the streetscene of

Berrington Road. As a result, the backland form of development would be read as an isolated enclave that would fail to relate well to the established pattern of residential development. Nevertheless, while it is only for four dwellings, by reason of their similar design, uniform building lines and shared access they would form a tight, cohesive development.

6. The Council have referred me to a proposal for six dwellings on the site which was dismissed on appeal in 2007¹. Whilst the details before me of that proposal are very limited, I note that the Inspector similarly concluded that the development would not relate sympathetically to the nearby development.
7. Notwithstanding the above, there is no evidence that the Inspector was presented with the fallback position of the existing development on the site. The appellant contends that the proposed development would be of a better design and more in keeping with the residential character of the area. Furthermore,
8. The proposed dwellings would not relate well to the established development on Berrington Road. However, its residential use would be more in keeping and sympathetic than the existing commercial use of the appeal site, which appears incongruous and creates an awkward juxtaposition with the surrounding residential area. Furthermore, the design of the dwellings would have a reduced visual impact than the large mass of the existing building complex. I note the advice contained in the Council's Residential Design Guide (the SPG) 2004 in respect of backland development. However, this does not appear to account for previously developed sites, such as the appeal site.
9. Therefore, when compared with the existing commercial use and buildings, the proposed development would not have any significant adverse effect on the character and appearance of the area. Nevertheless, the proposal's lack of cohesion with the surrounding established residential development would result in moderate harm to the character and appearance of the area. As such, it would fail to comply with Policy ENV14 of the Nuneaton and Bedworth Local Plan 2006, which seeks to ensure that development is of a high standard in keeping with the scale and character of the area. Furthermore, it would conflict accord with the guidance contained within the SPG and the design objectives of the National Planning Policy Framework (the Framework).

Highway Safety

10. The Council state that the proposal does not demonstrate that adequate visibility splays can be achieved. However, drawing no. BPBR02, which the appellant confirms was submitted with the application, identifies that the visibility splays at the junction of the existing driveway and Berrington Road are 75m when measured 2.4m from the back of the footway. This is in excess of the requirements of Manual for Streets 2007, which requires a minimum of 2.4m x 43m, and the SPG, which requires splays of 2.4m x 70m. Therefore, the proposal would provide adequate visibility splays.
11. The appellant states that the TRICS database indicates that there would be two vehicles departing the site and one vehicle arriving in the peak morning hour between 8am and 9am. In the peak evening hour of 5pm to 6pm it would be

¹ APP/W3710/A/07/2039295/NW

two arriving and one leaving. The data is based on five dwellings and therefore it is likely to be less for the proposed four dwellings.

12. The existing driveway serving the site is sufficiently wide enough to allow two cars to pass each other. However, it would not be wide enough to accommodate a dedicated pedestrian access. Notwithstanding this, the driveway would only serve four dwellings and there would be sufficient visibility along the driveway for pedestrians and drivers to clearly see one another approaching and manoeuvre accordingly if need be. Therefore, given the limited traffic and pedestrian use of the driveway it is reasonable to conclude that there would not be any significant conflict between its users.
13. I have had regard to the existing commercial use of the site, which could potentially generate significantly more traffic than the proposed dwellings, which could also include commercial vehicles. There is no evidence before me of any accidents that have been the result of the access, which is supported by comments from a local resident.
14. In respect of the individual dwellings and their access and parking arrangements, I acknowledge that the occupants of the dwellings would have to reverse along much of the shared access drive in order to exit the site. However, as I have identified above, there would be limited traffic using the access and there would be sufficient visibility in order for road users to see approaching cars and pedestrians. Furthermore, vehicles using the access road would be traveling at very low speeds and therefore would have sufficient time to manoeuvre accordingly in the unlikely event that there would be potential conflict.
15. The proposal does not include details regarding the storage of refuse bins. I note that the local highway authority's comments regarding the maximum distance residents should have to move their bins and the maximum distance from the highway that the refuse team will collect them from. Whilst the driveway would appear to be in excess of the 30m distance to move bins, I do not consider that it would be an unreasonably excessive distance for occupants of the dwellings to present their bins to the kerbside.
16. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Overall, I do not consider that the proposal would represent a severe risk to highway safety and therefore it would comply with paragraph 32 of the Framework.

Planning Balance

17. The Council confirms that they cannot demonstrate a five year supply of deliverable housing sites. Using either the Liverpool or Sedgefield method, the shortfall is significant. Accordingly, paragraph 14, bullet 4 of the National Planning Policy Framework (the Framework) is engaged. I have found that the proposal would have moderate harm on the character and appearance of the area. However, whilst it is finely balanced, this harm does not significantly and demonstrably outweigh the positive contribution the proposal would make towards the shortfall in housing provision which I attribute significant weight in favour of the proposal, albeit I accept that this contribution would only be limited, when assessed against the policies in the Framework taken as a whole.

Therefore in accordance with paragraph 14 of the Framework, planning permission should be granted.

Conditions

18. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
19. In the interests of highway safety conditions are necessary regarding details pertaining to the access, including construction, alignment, levels, drainage, lighting, footpaths, verges and parking and manoeuvring areas.
20. In the interests of the character and appearance of the area conditions are necessary regarding landscaping, boundary treatments, site levels, finished floor levels and materials.
21. A condition regarding drainage is necessary in the interest of minimising flooding.

Conclusion

22. For the reasons given above, having regard to all matters raised and assessed against the Framework taken as a whole, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BPBR01, BPBR02, BPBR03, BPBR04, BPBR05, BPBR06, BPBR07, BPBR08, BPBR09, BPBR10, BPBR11, BPBR12, BPBR13, BPBR14 and BPBR15.
- 3) No construction works (excluding demolition works) shall take place until full details of the access, including construction, alignment, levels, drainage, lighting, footpaths and verges have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the access has been constructed in accordance with the approved details and shall be retained as such thereafter.
- 4) No construction works (excluding demolition works) shall take place until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plans have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the areas have been laid out in accordance with the approved details and such areas shall be

- permanently retained thereafter for the parking and manoeuvring of vehicles.
- 5) No construction works (excluding demolition works) shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority.
 - 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 7) No construction works (excluding demolition works) shall take place until full details of the boundary treatments, including new walls and fences, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the boundary treatment to that plot has been completed in accordance with the approved details.
 - 8) No construction works (excluding demolition works) shall take place until full details of the drainage to the site, including all surface water and foul sewers and drainage to all hardstandings, have been submitted to and approved in writing by the local planning authority. No construction work creating surface water run off shall be carried out and no dwelling shall be occupied until the required drainage has been provided in accordance with the approved details.
 - 9) No construction works (excluding demolition works) shall take place until full details of the site levels and finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 10) No construction works (excluding demolition works) shall take place until full details and samples of materials to be used in the external parts of any building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.