
Appeal Decision

Site visit made on 21 August 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 05 September 2017

Appeal Ref: APP/W3710/W/17/3172439
255 The Long Shoot, Nuneaton CV11 6JH

- 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 S Bates against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034473, dated 2 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is erection of three bungalows on land to the rear of 255, The Long Shoot, Nuneaton.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three bungalows on land to the rear of 255, The Long Shoot, Nuneaton at 255 the Long Shoot, Nuneaton CV11 6JH in accordance with the terms of the application, Ref 034473, dated 2 November 2016, subject to the following conditions:
 - (i) Details of the appearance, landscaping, layout and scale of the residential development, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - (ii) The residential development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
 - (iii) The development hereby approved shall be carried out in accordance with approved plan: Site Plan, Code 16 10 02, date May 2016.

Procedural matter

2. The application was submitted in outline, with matters relating to appearance, landscaping, layout and scale reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with matters of access.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. The Long Shoot is predominantly residential in character, comprising frontage properties set within long plots. The set back of the properties from the road and the uniform building line creates an area with an open and orderly character.
5. The proposed development would introduce housing behind the existing frontage properties. Policy EN14 of the Local Plan¹ requires the design of all development to be in-keeping with the character of the locality and compliant with the guidance within the Residential Design Guide (the Guide)². Notably, paragraphs 3.1 and 3.6 of the Guide require residential development, including small infilling, to be designed to appear as part of an extension to an existing settlement. Paragraph 3.6 refers specifically to backland development, stating that this will not result in a well-integrated settlement pattern.
6. The three dwellings shown on the indicative layout plan would be within plots smaller than surrounding plots, behind an existing line of development and awkwardly juxtaposed to existing properties. As a result the development would not reflect the existing pattern of development, appearing incongruous and forming the backland development that paragraph 3.6 of the Guide seeks to avoid.
7. Being set well back from The Long Shoot and on a site that would not be visible from the street, the development would not impact visually on the street scene. Alongside the failure to relate well to the established pattern of residential development, the development would result in moderate harm to the character and appearance of the area, contrary to policy EN14 of the Local Plan and the Guide and the design objectives of the National Planning Policy Framework (the Framework).

Planning balance

8. The Council confirms that it cannot demonstrate a five year supply of deliverable housing sites. Using either the Liverpool or Sedgefield method, the shortfall is significant. Consequently paragraph 14, bullet 4 of the Framework is engaged. The proposal would have moderate harm on the character and appearance of the area.
9. Weighed against this is the contribution three dwellings would make to the Council's need for housing and more specifically, the benefit three bungalows would have for meeting the needs of elderly people, providing them with an opportunity to remain living in their home for longer and within an existing residential area.
10. On balance, the harm identified does not significantly and demonstrably outweigh the positive contribution the proposal would make to the shortfall in housing provision which I attribute significant weight to in favour of the

¹ Nuneaton & Bedworth Local Plan (2006)

² Nuneaton & Bedworth Borough Council's Residential Design Guide 2004

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

Other matters

11. Whilst I note local concerns for matters including traffic and water management, overlooking, noise and disturbance and biodiversity the Council did not share the same concern within its evidence. In the absence of substantive evidence to demonstrate otherwise, I find no reason to reach a contrary view. Nevertheless, detailed planning matters will be considered by the Council at the Reserved Matters stage when local residents will have an opportunity to comment on the detail of the development proposed.
12. Each application and appeal must be determined on its individual merits and therefore a generalised concern of precedent would not justify withholding permission on this basis.
13. I recognise that development can be a worry to existing residents. However, the planning system is generally concerned with the wider public interest rather than personal circumstances unless they can be shown to be truly exceptional and alternative options are unavailable. I do not consider that is the case.
14. Whilst the proposal may have an impact on views from existing properties, the Courts have held that the right to a view is not a material planning consideration.

Conditions

15. The Council have not suggested any conditions should the appeal be allowed. However, in light of paragraphs 203 and 206 of the Framework I have imposed a number of conditions; in addition to the standard time limit conditions for the commencement of development and the submission of Reserved Matters, I have imposed a condition that requires the development to accord with the approved plan. This is necessary for clarity and to ensure a satisfactory development.

Conclusion

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

R Walmsley

INSPECTOR