



Appeal Decision

Site visit made on 8 August 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 8th September 2017

Appeal Ref: APP/T3725/W/16/3166137

50 Newnham Road, Lillington, Leamington Spa, CV32 7SW

- 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 Miss Hannah O'Sullivan against the decision of Warwick District Council.
 - The application Ref W/16/1538, dated 20 August 2016, was refused by notice dated 10 November 2016.
 - The development proposed is the demolition of the existing garage and the erection of a detached and semi-detached two storey (with room in roof) 3 bedroom dwellings and associated car-parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council has confirmed that it made its decision on the basis of amended plans. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded on the basis that the drawings under consideration in this appeal are the site plan drawing (950-02 Rev B) and the plan, elevation and section drawing (950-03 Rev B).

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area
 - highway safety, with specific regard to whether the scheme makes adequate provision for off-road parking.

Reasons

The appeal site

4. The area is characterised by 2-storey semi-detached dwellings with gabled roofs set on spacious plots. A particularly strong characteristic is the symmetrical elevations of each pair of semi-detached dwellings and the regular open gaps between them, which are typically used for private driveways and garages. Although some of these gaps have been eroded by 2-storey side extensions, the area still retains a spacious character. The primary facing

material on houses is brick, with some use of render and tile-hanging to the first floor.

5. The appeal site is currently overgrown and constitutes the private rear/side garden to No 50 Newnham Road. Its ground level is elevated above the neighbouring property at No 52 Newnham Road and slopes upwards in a north-westerly direction.

Character and appearance

6. Although the proposed dwellings would be finished in similar materials to neighbouring properties, they would be of a deeper plan form, have narrower front elevations, a large number of roof lights and minimal gaps between plot 50B and 50C, and 50C and No 52. This would appear very much at odds with the spacious character and visual coherence of neighbouring houses on Newnham Road. They would also have front gardens significantly shorter in depth than the surrounding properties and a row of car-parking spaces that would dominate the built frontage. When considered cumulatively, these characteristics would create the impression of a high-density development that has been tightly squeezed onto the site, out of kilter with the more spacious character of the area.
7. The public views of the development would be clearly visible when approaching the end of Newnham Road, which would intensify this harmful impact. This would be accentuated by the elevated nature of the site and the increased height of the dwellings in comparison with Nos 35 and 52 Newnham Road.
8. In view of the above, the development would be harmful to the character and appearance of the area and not therefore comply with Policy DP1 of the Local Plan¹ which requires a high standard of design that respects the scale, form and massing of surrounding buildings and the established character of the area.

Highway safety

9. I am satisfied that the proposed development would provide a sufficient number of parking spaces commensurate with the size and location of the dwellings they would serve and be laid out in a manner that would allow most of them to be accessed conveniently and safely, without detriment to the amenities of future occupiers.
10. However, I do not consider the layout of the parking space adjacent to the north-west boundary to be acceptable as there is insufficient space for a car to comfortably reverse out in a north-westerly direction to enable it to exit the site in forward gear. This is because the parking space does not have sufficient width (it is no wider than the remaining parking spaces) and there is no turning head provision at the end of the driveway that would enable this manoeuvre to be made easily. I note the lack of an objection by the local highway authority, but this does not in itself demonstrate a lack of harm.
11. In view of the above, the parking layout could result in a vehicle having to reverse back down the private drive on to the public highway on Newnham Road before it could turn around. As a consequence, the development would be

¹ Warwick District Local Plan 1996-2011, September 2007

harmful to highway and pedestrian safety and not therefore comply with Policy DP6 of the Local Plan.

Other matters

12. The appellant states that the proposal complies with the relevant policies of the Warwick District Emerging Local Plan Submission Version (2016), which is now at an advanced stage (post-examination with a report issued by the Inspector, but not yet adopted by the Council). I am not aware of the extent of any modifications that may be necessary for these policies to be adopted. However, even if these policies were not subject to any modification and could as a consequence be given significant weight, I am satisfied that they do not advance a significant change from the adopted policies which the proposal has been assessed against and would consequently not lead me to any different conclusion.

Planning balance

13. It is agreed by both parties that the Council does not have a 5 year housing land supply. In view of this, and in accordance with Paragraph 49 of The Framework², I have assessed the proposal against the presumption in favour of sustainable development (Paragraph 14). In particular, I have considered whether the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits of a contribution to the housing land supply shortfall, when assessed against the policies in The Framework as a whole.
14. Paragraph 56 of The Framework states that good design is a key aspect of sustainable development and that poorly designed development which fails to take the opportunity to improve the character and quality of an area and the way it functions should be refused (Paragraph 64). Although the site is located in a sustainable location where the principle of development is acceptable, for the reasons set out above, I conclude that the harm to the character and appearance of the area, and highway and pedestrian safety, would significantly and demonstrably outweigh the modest amount of benefit that 3 dwellings would contribute to the housing land supply shortfall.

Conclusion

15. I have found that the appeal proposal would be harmful to the character and appearance of the area, and highway and pedestrian safety. All representations have been taken into account, but no matters, including the benefits of additional housing and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal scheme would not be a sustainable form of development and accordingly, the appeal should be dismissed.

Robert Fallon

INSPECTOR

² National Planning Policy Framework, Communities and Local Government, March 2012.