
Appeal Decision

Site visit made on 9 October 2017

by S Jones MA DipLP

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

Decision date: 9th November 2017

Appeal Ref: APP/R3705/W/17/3179378

Land Adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL

- 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 Gary Morton against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0643, dated 15 November 2016, was refused by notice dated 16 May 2017.
 - The development proposed is erection of a three bedroom house with vehicle parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a three bedroom house with vehicle parking at land adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL in accordance with the terms of the application, Ref PAP/2016/0643, dated 15 November 2016, subject to the conditions in the attached schedule to this decision.

Preliminary Matter

2. The application form was amended to clarify that it refers to a three bedroom house under application ref PAP/2016/0643. That amendment is reflected above.

Main Issue

3. The main issue is the effect of the development on parking and highway safety in the area.

Reasons

4. The plot of land lies between the rear of Redlands, a large 1970s style detached house currently being redeveloped, and another detached house alongside the site on Jean Street, a small cul-de-sac lined with a variety of housing. A new three bedroom house would be constructed on the plot accessed off Jean Street facing towards the bungalows opposite the site.
5. There is no regular passing traffic because Jean Street is a cul-de-sac. It has pavements in part and a tarmac roadway and I do not consider it to be below a reasonable standard for this type of road. I can appreciate that because it is relatively narrow and there is no specific turning circle that there would have been concerns regarding vehicles, in particular parking congestion. However, a

single new house would not be likely to significantly impact traffic levels. At my afternoon site visit New Street which is a short distance down Jean Street and runs along in front of the bungalows was largely clear of cars, although I accept this may not reflect peak use. Furthermore, with regard to parking, in Jean Street many of the dwellings including the bungalows opposite have a parking area outside the frontage so that parking is not restricted to onstreet parking only. Some of the frontages have sufficient parking to accommodate more than one car per dwelling. There are no parking restrictions or yellow lines in Jean Street, New Street, or the immediate vicinity of streets surrounding the site. Furthermore the design and layout of the proposed three bedroom house would allow space for two vehicles alongside the development, meaning that the onstreet demand would be unlikely to increase significantly if at all as a result of the development.

6. On the above basis I am satisfied that the development would not significantly contribute to parking congestion. Consequently the loss of some onstreet parking due to the development would not have an unacceptable effect on onstreet parking in the area because many households have alternatives to onstreet parking in any event, and the availability of other onstreet parking within a relatively short distance is generally not restricted.
7. The onsite parking would also allow for vehicles from the site to reverse out and face forwards when leaving Jean Street and exiting onto the through road at New Street where there is two way passing traffic. This is similar to arrangements for many existing households in Jean Street and would not exacerbate that situation. Conflict with emergency vehicles was raised as a concern, however there was little evidence before me to substantiate that. Given the offstreet parking provision at the development it would be unlikely to make access for emergency vehicles more difficult than at present.
8. Although the proposed development might not completely accord with the preferred highway standards for new development in general because of the existing constraints in Jean Street, there were no objections from the local Highway Authority, subject to suitable conditions being imposed, including visibility splays.
9. I am satisfied that the onsite parking provided, the lack of local parking restrictions, the availability of onstreet parking in the general area, and the conditions required by the highway authority are material considerations that overcome any conflict with Policy NW10 (6) of the North Warwickshire Local Plan Core Strategy 2014.

Conditions and Conclusion

10. The Council proposed a number of conditions which I have considered against the advice contained in the Planning Practice Guidance. I have made some minor amendments in the interest of clarity and enforceability. I consider that the condition restricting permitted development rights would not be necessary because the circumstances in this case are not exceptional enough to justify its imposition in accordance with the Guidance.
11. Conditions have been imposed about commencement and approved plans in the interests of certainty. Further conditions have been imposed to ensure a satisfactory standard of development in terms of materials, boundary treatments, landscaping, obscure glazing, and control of openings to protect

the character and appearance of the area and the living conditions of neighbouring residents. The site has a listed building nearby so a condition regarding the possibility of archaeological remains is necessary to ensure recording should anything be uncovered.

12. A condition securing a Construction Management Plan and conditions about hours of working and removal of debris are necessary to ensure there are no significant adverse impacts on the living conditions of nearby residents or the highway during any part of the development. Conditions regarding parking areas, visibility splays and location of access are necessary to ensure highway safety and its longterm efficacy.
13. For the reasons given above I conclude that the appeal should be allowed and planning permission granted subject to these conditions.

S Jones

INSPECTOR

APP/R3705/W/17/3179378

Land adj to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL
Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 375/216/02 REV E received by the Local Planning Authority on 14 March 2017.
3. No development shall be commenced before details of the facing bricks, roofing tiles, external render, external materials and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing, and development shall be carried out in accordance with the approved details.
4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.
5. The ground floor WC window and the first floor bathroom windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.
6. Before occupation of the dwellinghouses a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include boundary treatments.

7. All planting, seeding or turfing comprised in the approved details of landscaping as covered by condition 6 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 the landscaping scheme agreed under condition 6 shall be permanently retained thereafter.
8. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction and amongst other things will cover:
 - a. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).
 - b. The development hereby permitted shall not commence or continue unless measures are in place to prevent or minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.
9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before 0700 nor after 1900 Monday to Friday, or before 0800 nor after 1300 Saturdays or at all on Sundays or recognised public holidays
10. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.
11. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The development shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.
12. Access for vehicles to the site from the public highway shall not be made other than at the positions identified on the approved drawing, number 375/216/02 Rev E, and shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.
13. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 24.0 metres looking left and 19 metres looking right to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed

at maturity, a height of 0.6 metres above the level of the public highway carriageway.

14. The development shall not be occupied until pedestrian visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2 metres, as measured to the near edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway

15. No development shall take place until:

- a) A written scheme of investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the local planning authority.
- c) An Archaeological Mitigation Strategy (AMS) document (including the WSI) has been submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- d) The development and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the AMS shall be undertaken in accordance with the approved AMS.