



Appeal Decision

Site visit made on 15 May 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2019

Appeal Ref: APP/R3705/W/19/3221992

Land to rear of 3 Cemetery Lane, Hartshill CV10 0SJ

- 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 Mrs Mansfield against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2018/0323, dated 19 May 2018, was refused by notice dated 6 August 2018.
 - The development proposed is: Erection of a dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed dwelling on:
 - The character and appearance of the surrounding area;
 - The living conditions of future occupants in respect of outlook and;
 - Highway safety with regard to the adequacy of parking provision and access to and from the site.

Reasons

Character and appearance

3. The appeal site is a small plot located to the west of Church Road which is the main route through Hartshill, accessed from Cemetery Lane. The site is adjacent to garage buildings and existing dwellings. The proposal for a dwelling in this location is in keeping with the residential character of the area.
4. One garage building is close to the northern boundary to the appeal site, constructed of brick with concrete blocks. The proposed development would be a two storey dwelling with a dual pitched roof similar to the design of the garage building. This is a simple design which is similar to the buildings nearby and as such is appropriate for the area.
5. There is no clearly defined plot pattern in the local area with a mixture of plot density in the area. The development in the immediately surrounding area is somewhat ad hoc, with no clear pattern. Houses front Church Road, with gardens leading off them. At Cemetery Lane, the houses are facing the lane, with garage buildings also on the lane. The last two houses on Cemetery Lane

are larger and detached, with good-sized plots and with all built for contained within those plots which both have well-defined walled boundaries. These plots are spacious around the buildings which reflect the size of the plots. The site would result in a small dwelling on a small plot however the scale and layout of the development would be appropriate and in keeping with the size of the plot. I also acknowledge that the proposed development would represent an enhancement of an existing site which is derelict.

6. I therefore conclude that the proposed dwelling would have an acceptable effect upon the character and appearance of the area. There would be no conflict with Policies ENV12 and ENV13 of the North Warwickshire Local Plan 2006 (Local Plan) which, in combination, seek to protect the area through good design of development. Neither would there be conflict with Policy NW12 of the Core Strategy (adopted 2014) which also seeks a high quality of development. The proposed development would also comply with the National Planning Policy Framework (The Framework) which requires a high quality of design at section 12.

Living conditions

7. The proximity of the garage building to the north, combined with the dwelling to the west would create an unacceptable enclosing effect to the appeal site. In particular, the adjacent dwelling would dominate the western side where the main garden area would be located and would be dominant in the outlook from the garden. Furthermore, the existing dwelling would be close to the only windows of the living/dining area and of Bedroom One. Therefore, the existing dwelling would dominate the outlook from these windows which would result in a gloomy and oppressive living environment.
8. Whilst the boundary to the south is more open because there are no buildings, it is bounded by mature vegetation and a fence. The appellant would not have control over the height of the vegetation and so would not be able to cut it back. This could further enclose the site and exacerbate the harm I have already identified.
9. I therefore conclude that the dwelling would not provide satisfactory living conditions for future occupiers. It would conflict with Policy NW10 of the Core Strategy which seeks to ensure that development does not compromise the quality of life of future occupiers.
10. The Framework expects that development should create attractive places to live, and due to the harm to outlook this is not achieved and as such the proposed development is contrary to the Framework.

Highway safety

11. The access point is from Cemetery Lane, an unadopted road which serves as access to the cemetery to the west. I was able to see that access would be required across other accesses serving the two garage buildings to the east. The access point to the appeal site is narrow and bounded to the north by a tall brick wall and pier associated with the dwelling to the west.
12. Due to the space restrictions created by the plot, the adjacent wall and the garage building, it is not clear from the submitted evidence that there would be sufficient space for manoeuvring to get into or out of the site given the positioning of the access point and the angle associated with the road. The

access arrangement is awkward and would not allow for safe access or manoeuvring. The appeal site would require access directly in front of the adjacent garage and there could be the potential to block this access, thus creating a conflict between neighbouring uses and those accessing the development site. I would also question the ability to access or leave the site in a larger vehicle such as longer wheel-base vans or HGVs, in particular during the construction period due to the angle to Cemetery Lane, the garage building fronting it and the tall brick wall alongside.

13. Additionally, I am not satisfied that vehicles would be able to access Cemetery Lane in a forward gear once arrived at the site as I cannot be certain that there would be sufficient space for a vehicle to turn around in the site. This could require reversing out of the site which has restricted visibility due to the adjacent structures. This would result in conflict between users of Cemetery Lane such as walkers or cyclists.
14. The Council has suggested a condition requiring details of the layout of parking and manoeuvring areas, but without a clear indication of the provision that could be made to manage overall movements in a safe way I am not satisfied that this should be relied upon as a means to overcome the potential harm to safety.
15. I acknowledge that the Highways Authority have not raised concerns as the road is unadopted, so their main focus for highway safety is that of the junction of Cemetery Lane with Church Road. I accept that the addition of one modest dwelling at this location would not increase the movements of vehicles significantly but this does not outweigh the risk to safety and conflict at the site access.
16. I therefore conclude that there is a significant adverse effect due to the substandard access arrangements. Thus the proposed development conflicts with the safety objectives of policies TPT3 and ENV14 of the Local Plan and policy NW10 of the Core Strategy which all expect development to provide safe and easy access for all potential users of the site.

Other Matters

17. The proposal would deliver a modestly sized dwelling in a sustainable location and therefore, by adding to the supply of homes, the house would result in a small social benefit. There would also be some economic benefit arising from the construction of the proposed dwelling but this would be short term.
18. However, these benefits would be small and would not outweigh the harm to living conditions and highways safety that I have identified.
19. Reference has been made to the permission for the dwelling to the west, however I do not have the full details of that case before me and I have judged this proposal on its specific proposed design and layout.

Conclusion

20. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR