



Appeal Decision

Site visit made on 24 July 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/T3725/W/19/3226979

Sowe View, Coventry Road, Stoneleigh, Coventry, CV8 3BZ

- 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 Martin Innocent against the decision of Warwick District Council.
 - The application Ref W/18/1733, dated 21 September 2018, was refused by notice dated 31 January 2019.
 - The development proposed is a self-build single storey, 2 bedroom bungalow on an existing plot with a decking area to the east. Widening the existing drive by 3 kerbstones. Permeable gravel circulation and parking areas with level access to the dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a self-build single storey, 2 bedroom bungalow on an existing plot with a decking area to the east. Widening the existing drive by 3 kerbstones. Permeable gravel circulation and parking areas with level access to the dwelling, at Sowe View, Coventry Road, Stoneleigh, Coventry, CV8 3BZ, in accordance with the terms of the application, Ref W/18/1733, dated 21 September 2018, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt; and
 - whether the site is an appropriate location for new housing.

Reasons

Green Belt

3. The site lies adjacent to, but outside of, the infill village boundary as defined by the Warwick District Local Plan (WDLP) Policies Map. The whole of the area, including that within the village boundary, is washed over by the Green Belt.
4. Paragraph 145 of the National Planning Policy Framework (the Framework) states that new buildings should be regarded as inappropriate development in the Green Belt. One of the exceptions to this includes limited infilling in villages.

5. I am aware that an appeal¹ for a similar development on the site was dismissed in February 2018. It is unclear to me, from that decision or the evidence before me, how the previous Inspector arrived at the conclusion that the proposal would not constitute limited infilling in a village.
6. In reaching my decision I have had regard to established case law², in which the Court of Appeal held that, in considering the question of limited infilling, a village boundary as defined in a local plan would be a relevant consideration. However, the court also held that this factor is not necessarily determinative and that an assessment of the real extent of a village should be made on the ground.
7. The appeal site is situated within a row of dwellings that front onto Coventry Road and have long rear gardens leading down to the River Sowe. The width of the residential plots increases towards the edge of the village and the frontage width of the appeal plot is broadly consistent with that of the two dwellings to the north. The dwellings to the south are older cottages on narrower plots. On the opposite side of Coventry Road there is mature landscaping, which screens a continuous row of dwellings and their gardens, all of which are within the village boundary. The site is physically integrated into the built up area of the village. Based upon my assessment of the site and its surroundings, I conclude that the appeal site does lie within the village of Stoneleigh.
8. There is no definition of 'limited' or 'infilling' in the Framework. The proposal for a single self-build dwelling would, in my view, clearly meet the test of being 'limited'. The term 'infilling' is widely accepted as being the filling of a gap, most commonly, within an otherwise built up frontage. Given that the plot is surrounded by residential development on 3 sides and has frontage onto Coventry Road, it is my view that the development would constitute infilling. Whilst the proposed dwelling would not fill the whole of the gap, its curtilage would. I have already found that in this location there are similar residential plots with wide frontages and large gardens between properties. As such the proposal would be consistent with the character and appearance of the area.
9. I therefore conclude that the proposal would constitute limited infilling in a village and as such would not be inappropriate development in the Green Belt. Having reached this conclusion, it is neither necessary nor appropriate for me to go on to consider the effects on the openness of the Green Belt. The proposal would not conflict with the Framework or with Policy DS18 of the WDLP, which states that national planning policy will apply to proposals within the Green Belt.

Location of new housing

10. Policy H1 of the WDLP directs new housing to urban areas, allocated sites and to sites within the defined boundaries of growth villages and limited infill villages. Policy H15 of the WDLP encourages self-build housing in appropriate locations within infill villages, subject to compliance with other relevant policies, including Green Belt policies.
11. Although Stoneleigh is identified as an infill village under Policy H1, the appeal site lies just outside of the village boundary as defined by the WDLP Policies

¹ APP/T3725/W/17/3189297

² Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

Map. Therefore, as the proposal does not meet any of the criteria for a new dwelling in the open countryside, it would not strictly accord with Policies H1 and H15 of the WDLP.

12. Section 38(6) of the Act requires that any determination to be made under the Planning Acts must be made in accordance with the development plan unless material considerations indicate otherwise.
13. The proposed development would be contrary to Policies H1 and H15 of the WDLP. In the context of a plan led system and an up to date plan, this must weigh against the proposal. However, the development would not undermine the general aims of these policies, which seek to ensure new housing is directed to appropriate locations. The proposal is for a single dwelling on a frontage infill plot, which would be visually read as being within the village. Furthermore, I have already found that the proposal would not be inappropriate development in the Green Belt and would not detract from the character and appearance of the area.
14. The decision notice also refers to Policy BE1 of the WDLP, which relates to layout and design. The Council's committee report acknowledges that the design of the current proposal is not materially different to the previous scheme, to which its design objections were withdrawn. The main concern of the Council now appears to be loss of openness to the Green Belt, which is not relevant given my conclusion that the proposal would not be inappropriate development. Reference is also made to the gap contributing to the sporadic pattern of development petering out of the village into the countryside. However, the proposal would in my view respect this pattern of development due to the size of the site and the undeveloped gaps that would be retained at either side of the new dwelling and between existing dwellings.
15. On balance, I therefore conclude on this matter that the appeal site is an appropriate location for a single dwelling. I have found no conflict with Policy BE1 or with the general aims or purposes of Policies H1 and H15 of the WDLP. I also find no conflict with the Framework, which seeks to promote sustainable development in rural areas.

Other Matters

16. The new dwelling would be located within the boundary of the Stoneleigh Conservation Area (CA). There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
17. The Council's Conservation Officer raised concerns regarding the design of the dwelling, some of which I share. However, these were not reasons for refusal and nor was the previous appeal dismissed on CA grounds. Based upon the evidence I have seen it is apparent that there is little difference between previous scheme and that which is currently before me.
18. Despite being described as a single storey bungalow, it is clear from the drawings that the proposed dwelling could comfortably accommodate an additional storey in its roof and that there would be more than ample space available to install a staircase, without compromising the ground floor living area. The design of the building, in my view, appears top heavy and very

different to the more traditional two storey houses and cottages in the immediate surrounding area. However, the site slopes down from the road and is well screened by existing mature landscaping. Trees within the site are protected by the CA and new planting is proposed. I agree with the Council and the previous Inspector that the scheme's simple design, with a brick, timber and clay tile finish, would preserve the character and appearance of the CA.

19. I note the concerns of the Local Highway Authority with regard to loose material being deposited onto the public highway, the gradient of the access and visibility. The matter of loose material can be addressed by a condition. Whilst the access slopes down into the site the gradient of the driveway, where it joins the public highway, is not significant. Although the visibility is below that recommended for a 40mph road, I am conscious of the facts that the access is existing, highway safety was not a reason for the refusal of this development and that two previous appeals relating to this site³ have also found the access to be acceptable.
20. I observed on my site visit that there is a traffic sign a short distance to the right of the site access, warning motorists to reduce their speed to 10mph as they approach a narrow section of the carriageway, which is just around the bend that lies a short distance to the south of the site access. There are also slow markings painted on the road to either side of the site access. In view of these factors, together with the village location, traffic speeds are unlikely to be high.
21. The increased amount of traffic generated by a single dwelling would be very modest and the proposal includes the widening of the existing shared vehicular access to the site. Although I have not been provided with detailed drawings of the proposed access improvements, these would in my view result in highway safety benefits. It is also reasonable to expect that upon occupation of the site; boundary planting would be more regularly maintained, reducing the likelihood of visibility being obscured by overgrowth.
22. The development has the support of the Parish Council and numerous local people. One objection has been received from a local resident on Green Belt grounds, which I have already addressed. I have had regard to the personal circumstances of the appellant and his wife however in the absence of any evidence to suggest that their needs could not be met by another dwelling in the locality I have given this little weight.

Conditions

23. The Council have suggested 18 conditions. I have considered these against the tests set out in Planning Practice Guidance and amended them where necessary. I have also had regard to the appellant's comments on the suggested conditions.
24. I have imposed conditions relating to the time limit for commencement of development and accordance with the approved plans and documents in the interests of certainty. I consider the submission and agreement of external materials samples to be necessary in order to ensure the character and appearance of the conservation area is preserved.

³ APP/T3725/W/17/3189297 and APP/T3725/W/16/3147140

25. A tree protection plan is included within the submitted Arboricultural Impact Assessment, which was considered acceptable to the Council's Tree Officer. As compliance with this document is covered by condition 2, the Council's suggested conditions 4 and 9 are unnecessary. I have imposed a condition requiring the submission and implementation of landscaping and ecological enhancements to mitigate for the loss of trees and wildlife habitat that would result from the development. The Council's suggested conditions 16 and 17 duplicate this and are therefore unnecessary.
26. I have considered the condition relating to water efficiency having regard to Policy FW3 of the WDLP. It is my view that such a condition would be very onerous and hence unlikely to be enforced by the local planning authority for the life of the development, during which time water related fixtures and fittings could be changed numerous times. Given the scale of the development and the fact that the appellant intends to construct a sustainable home in accordance with the Sustainability Statement detailed in condition 2, I consider this additional condition to be unnecessary in this particular case.
27. Given the proximity of the site to a former petrol filling station a condition requiring a suitable contaminated land assessment to be undertaken is necessary. I note the appellant's concern regarding the multiple stages however, these only apply in the event that contamination is discovered. I also consider the archaeology condition to be necessary due to the location of the site within an area of significant archaeological potential.
28. I consider that full details of foul and surface water disposal should be conditioned in the interests of ensuring satisfactory drainage. However, given that the dwelling would be sited in flood zone 1 and that only the lower part of the rear garden adjacent to the River Sowe is at risk of flooding, conditions relating to floor levels and a flood management plan are unnecessary. I have also omitted the duplicate drainage conditions.
29. The vehicular access is shared with the adjacent property and as such it would not be practical to alter the gradient of the driveway unless the adjoining land owner agrees to do the same, avoiding a split level access. I do however consider it would be reasonable to require the access to be appropriately surfaced to prevent loose material from being carried onto the public highway.
30. As the proposal relates to a single dwelling located within the village, close to other residential properties, I consider it unlikely that any excessive external lighting would be required and therefore a lighting condition is unnecessary.

Conclusion

31. For the reasons given above and having regard to all issues raised, the appeal is allowed.

Rachael Bartlett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawing Nos - E001, E002, E003, E004, P001, P002, P003 and P004.
Documents – Arboricultural Implications Assessment June 2017 by Higginson Associates, Preliminary Ecological Appraisal June 2017 by martin ecology, Flood Risk Assessment, Air Quality Mitigation Statement and Sustainability Statement.
- 3) No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 4) No development shall commence, including site clearance, until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the local planning authority. The scheme shall include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes. The agreed scheme shall be fully implemented within 6 months of the dwelling being substantially completed and shall thereafter be retained.
- 5) No development shall commence until an assessment of the risks posed by any contamination, has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the dwelling.
- 6) No development shall commence until a Written Scheme of Investigation has been submitted to, and approved in writing, by the local planning authority. The scheme, which shall be implemented in accordance with the approved details, shall include an assessment of significance and research questions; and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;

- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 7) No development shall commence until full details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.
- 8) Prior to occupation of the development the widening of the existing access drive shall be completed and surfaced, for the first 7.5 metres from the highway, using a bound material.