
Appeal Decision

Site visit made on 1 October 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal Ref: APP/E3715/W/19/3234760

54 Ashlawn Road, Rugby, Warwickshire, CV22 5ES

- 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 Darren Knapp against the decision of Rugby Borough Council.
 - The application Ref R19/0730, dated 15 April 2019, was refused by notice dated 23 July 2019.
 - The development proposed is construction of a one bedroom bungalow to the rear of property as a dwelling unit. Planning permission has been granted to construct the one bedroom unit as an annexe. Planning permission reference R17/1909.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Planning permission¹ has been granted for the erection of a studio annex of a similar size and position to the appeal proposal. The permission was subject to conditions, including a requirement that the building be used ancillary to the main dwelling.

Main Issue

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety, having particular regard to parking provision.

¹ Planning permission R17/1909

Reasons for the Recommendation

Character and Appearance

5. The appeal site lies within a residential area characterised by terraced and semi-detached houses fronting Ashlawn Road with long rear gardens backing onto properties fronting Rainsbrook Avenue. A narrow public footpath, which connects Ashlawn Road to Rainsbrook Avenue, runs alongside its western boundary.
6. The proposed bungalow would sit at the bottom of the rear garden of the appeal property with pedestrian access being provided from the public footpath. No vehicular access or on site parking is proposed. It would be a modest property comprising a living/dining area, one bedroom and a bathroom with a small garden area and space to store refuse.
7. Although modest in scale, the proposal would introduce an alien form of development into the rear garden environment of the host property which would be significantly at odds with the general pattern of development in the immediate vicinity. Whilst of a similar design and scale to the annex building that has previously been found acceptable by the Council, the proposal and likely use of the appeal site would be materially different to the approved development with the subdivision of the current rear garden to the host property, likely boundary treatment, washing lines and domestic storage buildings. Such features would draw attention to the incongruous nature of the development.
8. Although the new dwelling would not be clearly visible from the surrounding streets, its presence would be likely to be observed from the nearby public footpath and nearby dwellings. The proposal would be likely to reduce the appreciation nearby occupiers have of the attractive environment within which they live. Whilst acknowledging that the proposal would result in a more efficient use of land this does not provide justification for harmful development.
9. The appellant has drawn my attention to several sites where the Council has granted planning permission for the development of garden land including at No 66 Warren Road, No 107 Sydney Road and No 124 Ashlawn Road. In all of these cases I noted that the dwellings had frontage onto the highway and provision was made for parking within their curtilage. Consequently, the individual circumstances of those developments are considerably different to the proposal before me. Accordingly, very limited weight is given to this matter in my consideration of this appeal. Each planning application and appeal is determined on their merits.
10. In light of the above, I conclude that the proposal would be harmful to the character and appearance of the area in conflict with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 – June 2019 (LP) which seeks to provide high quality developments that are of a scale, density and design that responds to the character of the areas in which they are situated. There would also be conflict with paragraph 127 of the National Planning Policy Framework (Framework) which requires that planning decisions should ensure that

developments will, amongst other matters, be sympathetic to local character, establish a strong sense of place and add to the overall quality of the area.

11. Within its decision notice the Council has referred to its Sustainable Design and Construction Supplementary Planning Document (SPD). This SPD relates to applications for extensions and is not directly relevant to the proposal before me. I have not therefore taken it into account in my consideration of this appeal.

Highway Safety

12. The appeal dwelling would not be served by a vehicular access and no on-site car parking is proposed. This would be contrary to the parking standards for a one-bedroom dwelling set out in Appendix 5 of the LP, to which LP Policy D2 refers.
13. The appellant submits that the intended future occupier could park in nearby roads. Whilst I note the Council's concern in this regard, and noting that vehicles were parked on part of the pavement within the vicinity of the host dwelling, I have no evidence before me to demonstrate that such activity has resulted in harm to vehicular or pedestrian safety, nor that such parking has reached saturation. The parking requirements that the proposal would generate (1.5 spaces) would be unlikely to result in a demand for on-street parking to the extent that harm to highway safety would result.
14. On the basis of the evidence before me, and noting local residents concerns in this regard, I conclude that the proposal would not result in harm to highway safety. Whilst there would be conflict with the parking standards set out with LP Policy D2, the general notes accompanying the table in Appendix 5 of the LP provides a degree of flexibility to their application indicating that the standards are guidance figures and are not expressed as a maximum. In reaching this conclusion I am mindful of the advice given in paragraph 109 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither of which have been demonstrated in this case.

Other Matters

15. The proposal would result in a new one-bedroom dwellings within the Rugby Urban Area, on a windfall site. Whilst this would contribute to the Government's objective to significantly boost the supply homes, the contribution the proposal would make would be limited. Whilst the Council raised no concern in respect of a number of matters including ecology, living conditions and air quality, these are neutral matters and would be expected to be achieved in any well-designed development proposal. These matters do not provide justification for harmful development which conflicts with the development plan and national planning policy. There are no material considerations which lead me to consider the appeal proposal otherwise than in accordance with the development plan.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal should be dismissed.

RC Kirby

INSPECTOR