The Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2020

by Michael Boniface MSc MRTPI

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

Decision date: 30 June 2020

Appeal Ref: APP/E3715/W/20/3247886
2 The Bank, Pailton Road, Harborough Magna, CV23 0HQ

- 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 Dr Coria against the decision of Rugby Borough Council.
- The application Ref R19/1010, dated 30 June 2019, was refused by notice dated 28 October 2019.
- The development proposed is two dwellings.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Dr Coria against Rugby Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council accepted amended plans during the course of the planning application, changing the proposed scheme from that of two detached dwellings to a pair of semi-detached dwellings. I have determined the appeal on the same basis.

4. During the course of the appeal, the appellant provided additional landscaping detail (drawing no. 201). The Council had the opportunity to consider this information and I am satisfied that no party would be prejudiced by me taking it into account.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located on the edge of the village, forming a gap largely comprising gardens between existing residential properties. The land is higher than that of the public highway and slopes upwards to the west. This part of the village presents traditionally built properties with large amounts of open space and landscaping, creating a verdant rural appearance and a visual transition into the countryside.

7. The proposed development would introduce a pair of semi-detached dwellings into the street scene gap at an elevated level, significantly eroding the open, spacious character of this part of the village. Although the buildings have been designed to reflect established properties, particularly The Bank, with detail such as hanging tiles and chimney stacks, it is the infilling of the existing gap that would be problematic.

8. There is no policy basis for the Council's assertion that the appeal site falls within an 'important open gap' but the space between buildings is an important characteristic of the area nonetheless. The introduction of two dwellings would contribute to an urbanisation of this edge of village location, compounded significantly by the extensive parking area proposed. Whilst this part of the site is partly gravel covered at present and accommodates outbuildings including a garage, the proposed area would be much larger, accommodating up to 8 vehicles which would be readily visible and intrusive from the street.

9. Whilst it is possible, exceptionally, to identify buildings that ought to be considered as non-designated heritage assets during the course of a planning application, little justification for such a conclusion has been provided by the Council in respect of The Bank or The Croft and the significance of the buildings are not robustly explained. As such, I attach little weight to this matter but that does not alter the expectation for good design that is appropriate in its context required by the National Planning Policy Framework (the Framework) and which, the scheme fails to achieve for the reasons I have set out.

10. I note the suggestion that a large outbuilding could be constructed using permitted development rights without the need for express planning permission. I have also had regard to the application to the Council for a lawful development certificate along these lines, though I have not been informed of the outcome. Even if such a building could be constructed, permitted development rights would not allow for a structure of the size and scale proposed in this appeal, nor is there any evidence before me to suggest that the building would be useful or desirable to the appellant such that there is a likely prospect of it being delivered in the event that the appeal is dismissed. For these reasons, I attach this matter little weight. Similar considerations apply in respect of suggestions that conifers or other planting could be introduced and such a proposal would be less harmful to the verdant character of the area than the built form being proposed.

11. The appellant suggest that the development would deliver benefits in tidying up the site, removing existing outbuildings and hardstanding's and supporting local services such as the nearby pub. The scheme would also deliver housing, important in the context of the Framework's objective to significantly boost supply. However, two houses would make a very limited contribution towards housing in this rural area and the Council can already demonstrate a five-year supply of housing sites, albeit that this includes an element of windfall development. These benefits attract limited weight.

12. Overall, I consider that the development would harm the character and appearance of the area in conflict with policy SDC1 of the Local Plan 2011-2031 (2019), which seeks high quality design that responds to the character of the area, an important objective of the development plan. There are no material considerations that outweigh this conflict or indicate a decision other than in accordance with the development plan.

13. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR