
Appeal Decision

Site visit made on 18 August 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/W3710/W/20/3250748

63 - 65 Regent Street, Nuneaton, Warwickshire CV11 4BL

- 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 B Carroll against the decision of Nuneaton and Bedworth Council.
 - The application Ref 036590, dated 1 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is the erection of a pair of semi-detached dwellings (including alterations to flat 63a).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against Nuneaton & Bedworth Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the development on;
 - The character and appearance of the area; and,
 - Highway safety.

Reasons

Character and appearance

4. The development would be a pair of semi-detached dwellings located to the rear of a combined office and residential premises (No 63) which appears to have been converted from a former residential two storey terrace. The appeal site abuts and is elevated above Leicester Road, and is separated from it by a brick wall.
5. The building pattern to the east and south of Leicester Road is dense terraced housing. The historic maps indicate that Leicester Road was formerly narrower and that the site was separated from it by an intermittent frontage. This has now been removed. Consequently, there are views from Leicester Road across the site to the rear elevations of the Orchard and Regent Street frontages.

6. Policy BE3 of the Local Plan (LP) requires development to contribute to local distinctiveness by reflecting the positive attributes of the area. It lists key characteristics to be taken into account. These include street layout, pattern of development, plot size and arrangements, and built form.
7. Although the rear elevations of the Orchard and Regent Street terraces have been subject to what appear to be haphazard alterations, their scale and typology has an underlying cohesion. The terraces have an angled alignment with Leicester Road but the combination of architectural consistency and strong frontages gives legibility.
8. The development would locate a pair of semi-detached dwellings on open land at the rear of No 63, gable end to Leicester Road. They would be seen from Leicester Road in the immediate context of No 63's gable end and outrigger, as well as the rear elevations of the Regent and Orchard Street frontages. As such, the dwellings would appear isolated from and unrelated to the underlying building pattern.
9. The dwellings would have first floor accommodation within the dual pitched roof space. The planning statement highlights that the dwellings' ridgelines would be about two metres lower than that of No 63 and the eaves heights would be about 2.5 metres lower than No 63. As such the dwellings' overall mass and scale would appear disproportionately small and incongruous in the context of the more robustly scaled No 63 and the nearby terraces. The appellant argues that the development would be largely screened by the boundary wall but although the wall is tall enough to screen parking on the site, it would provide only limited screening of the dwellings. Consequently, the development would appear intrusive and discordant with the underlying building pattern. The failure to reflect or relate to the building pattern in terms of layout and built form would result in a development that failed to contribute to local distinctiveness.
10. A comparison between the current building pattern and the 1914 plan shows that the area to the south and east of the site has remained largely intact. The demolition of buildings opposite No 63 does not necessarily justify such a significant deviation from the building pattern at the rear of No 63. The appellant argues that the terraces were not part of the original building pattern of the area. However, whilst I appreciate that there was an orchard here in 1889, that plan also shows attached housing fronting Back Street and Wheat Street. By 1914 additional lines of terracing had been added to Regent Street and Orchard Street. Whilst the terraces may not be identical or all built at the same time, there is an underlying consistency of height, scale and typology. In any case this is not a Conservation Area, and the orchard had disappeared by 1914. Its former extent is not determinative for this appeal.
11. Reference is made to the workshops located behind the Regent Street frontage but these are not particularly visible in views from Leicester Road. By contrast, the development would be highly visible above the wall and would fail to relate to its surroundings.
12. As such, I conclude that the development would appear incongruous and would be detrimental to the character and appearance of the area. This would be contrary to LP Policy BE3, set out above. It would also fail to accord with the design aims of Paragraphs 127 and 130 of the National Planning Policy Framework (the Framework), and the Residential Design Guide.

Highway safety

13. The previous appeal¹ considered that the small increase in traffic generated from the development would not have an adverse effect on highway safety at the junction of Regent Street with Leicester Road. I see no reason to disagree with that assessment.
14. However, the Council's decision also refers to parking stress. The development would displace some of the hardstanding behind No 63 currently used for three vehicles. Moreover, the planning statement states that one bedroomed dwellings should have up to one parking space per dwelling according to Council guidelines. The plans suggest that only four spaces could be accommodated behind No 63. One vehicle would be displaced.
15. Parking stress was not mentioned by the Inspector at the previous appeal and it is unclear whether it was raised as a concern. As such, I am unable to conclude that the appeals are directly comparable.
16. I appreciate that occupiers of the development may not require private vehicles. However, this would not necessarily be the case. Although parking on Regent Street is controlled by permit, the displacement of vehicles from No 63, as well as additional vehicles associated with future occupiers could lead to increased demand for such places as there are. There were plenty of on-street parking spaces at my visit but that could be for many reasons, particularly at the current time. Additional demand from two more dwellings and displaced parking from within the site would be likely to lead to increased parking stress and could lead to obstruction. This would be detrimental to highway safety. Although the magnitude of harm would be minor to moderate, it adds weight to my reasoning in respect of character and appearance.
17. In the light of the above, I conclude that the development would be contrary to Paragraph 110 of the Framework insofar as this requires development to create places that minimise the conflict between pedestrians, cyclists and vehicles amongst other considerations. It would also be contrary to LP Policy DS1 which is a general policy that reflects the overarching aims of the Framework. The Council has also cited Paragraphs 108 and 109 of the Framework. However, although I have identified some harm arising from additional on-street parking stress, that harm would not be significant.

Other matters

18. Paragraph 11d) of the Framework states that the policies most important for considering the application should be considered to be out of date where the local authority cannot demonstrate a five year HLS, or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement of the previous three years.
19. There is a dispute between the parties regarding the inclusion of specific sites in the HLS figures at the Local Plan examination, as well as contributing to the current provision. The appellant also argues that delivery has fallen off since the Local Plan's adoption.
20. On the basis of what is before me it is difficult to reach a conclusion in this regard. It is unclear how the site lists provided by each party relate to each

¹ APP/W3710/W/17/3180902

other or to the latest housing update. Although the appellant has provided lists of sites which, it is argued, should not be included in the housing supply figures, I cannot find all those sites within the Council's updated list. Even where I have concluded that there are disputed sites within that list, they do not appear to account for a significant number of dwellings across the five year delivery programme. The exclusion of those sites would not therefore make very much difference to the overall housing supply figures.

21. Furthermore, the Council's housing figures were updated in June 2019 to remove sites that did not conform to the updated definition of deliverability. This led to a reduction in the housing land supply figure highlighted by the appellant. That reduction is not necessarily indicative of an inability to deliver to expectations going forward.
22. In any case, the latest Housing Delivery Test² shows that the Council has delivered 98 per cent of its housing requirement over the last three years. If the figures before the Local Plan Inspector were flawed it is reasonable to presume that housing delivery would have been affected. Even if some allocated sites fall away, this figure is well above the 45 per cent required for figures published before November 2020. The healthy state of the housing delivery test figures suggests that the original allocations have delivered more or less as expected. In any case, that Inspector noted that the Council's approach to forecasting delivery accorded with recognised practices and applied reasonable assumptions. As such, I see no reason to ascribe the Local Plan policies anything other than full weight.
23. Even if I concluded that the Council did not have sufficient HLS, two dwellings would make a very small contribution to the overall requirement. The economic and social benefits would be similarly limited. The adverse effects of the development would significantly and demonstrably outweigh the limited benefits arising from two modest dwellings when assessed against policies in the Framework taken as a whole.

Conclusion

24. I conclude that the appeal would fail to accord with relevant policies of the local development plan and national guidance. Therefore, the appeal should be dismissed.

A Blicq

INSPECTOR

² MHCLG, February 2020