
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: 24 August 2020

Appeal Ref: APP/R3705/W/20/3251009

143 Hill Top Cottage, Hill Top, Baddesley Ensor CV9 2BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Croxton against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0538, dated 23 September 2019, was refused by notice dated 13 December 2019.
 - The development proposed is outline planning permission for the erection of two dormer bungalows with access (all other matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This is an outline application with all matters reserved save access. The description of development set out above has been agreed between the parties.
3. The appellant submitted revised indicative plans at appeal. Although these are not the plans submitted at application, this is an outline proposal. Consequently, I have considered it appropriate to take them into consideration in my reasoning. I am satisfied that this would not be prejudicial to other parties.
4. The emerging local plan has been submitted but the Inspector has raised issues which require resolution before the plan can be considered further. As such, I give the policies in the emerging plan limited weight, as they may yet change.

Main Issue

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

Reasons

Character and appearance

6. The appeal site lies on the edge of Baddesley Ensor, and is the plot of an existing dwelling with a long garden which extends along the road boundary of Hill Top.

7. Hill Top forms a distinct edge to the settlement and coincides with the settlement boundary under the Local Plan¹ (LP). Although there is a small cluster of development largely hidden within tree cover about 200 metres away, Hill Top Cottage (the Cottage) is remote from that development and separated from it by informal woodland and understorey, as well as its own garden.
8. The current settlement hierarchy allows growth within Baddesley Ensor and the other policies allow residential development alongside existing settlement boundaries. I acknowledge that the Council considers the settlement boundaries are out of date. However, even if I agreed that the settlement boundary carried no weight, the appeal site is adjacent to an existing building pattern. In my experience where settlement boundaries can no longer be upheld this generally leads to a more relaxed approach to development close to existing settlements. Consequently, I do not necessarily find harm in relation to the principal of development in the absence of other concerns.
9. Hill Top forms the boundary between a rural landscape with 'higher sensitivity' in the Landscape Character Assessment² (LCA) and the strong edge of the Baddesley Ensor. The LCA's description of this area outlines a distinct and steeply undulating landscape with a complex pattern of settlement, former industrial sites, upland woodland and heaths. The description also notes that in places the natural landscape penetrates the settlement of Baddesley Ensor. This appears to be the case immediately adjacent to the appeal site where a footpath emerges on to Hill Top from informal woodland forming the road boundary, and the rural landscape beyond.
10. The Cottage is fairly inconspicuous when viewed from Hill Top. This is a consequence of its orientation, distance and height relative to the road as well as the screening effects of its mature vegetation. It is also located at the widest point of the appeal site. Although it is residential land, it represents a buffer between Baddesley Ensore and the adjoining rural landscape.
11. Given the site's size constraints I am satisfied that there are not many options for locating two detached dormer bungalows within the available space. Wherever they were positioned, they would be close to the front and rear site boundaries. Although the dwellings would have first floor accommodation in the roof space, they would still introduce significant bulk and height close to the road boundary. This would be out of keeping with the other development on this side of Hill Top.
12. There would be an additional opening in the roadside hedge for access for Plot 2. A comparison between the site plan and that showing visibility splays suggests that the hedge would be significantly reduced in width to accommodate those splays. Without more accurate plotting of the hedge and its overall width and composition, it is difficult to know how far back it could be reduced and still remain healthy. On the basis of what is before me, I have concerns that the hedge could not be retained in its current state. Excessive cutting back to allow for visibility splays could result in its death or impair its ability to provide a screen for the development.

¹ Local Plan 2006, Core Strategy 2014

² North Warwickshire Landscape Character Assessment 2010

13. Moreover, the site's limited width appears to preclude an additional landscaped strip behind the existing hedge-line to provide alternative screening. As such, I am not satisfied that the dwellings would be screened along all the road boundary.
14. In any case, given the site's limited size it is also likely that any road boundary treatment would be only a few metres away from the front elevation of Plot 2's dwelling. Even if the hedge was retained it seems highly unlikely that it would be allowed to remain at its current height in front of both dwellings. In my experience even in semi-rural situations there is a tendency to overly manage vegetation at entrances and on road boundaries, particularly where it obscures views from habitable rooms at close distance. The long term retention of the hedge at a particular height is not something that could realistically be required through the imposition of a condition.
15. As such, as well as requiring an additional opening through the existing hedge, the development would be likely to result in a manicured and lower plot boundary. The dwellings would be readily visible in the street scene and the development would urbanise this section of the road boundary.
16. It is argued that additional planting could be included on the site. However, again in my experience occupiers have little tolerance of mature trees in proximity to dwellings, particularly where there limited space which would be the case here. The plans show planting on the southern boundaries, but given the boundaries' inevitable proximity to the dwellings, and the views otherwise obscured, it seems unlikely that new planting would be retained, or kept in a relatively unmanaged state, in the longer term. The encroachment into this rural setting would therefore be apparent in views from the nearby footpath.
17. For these reasons I give little weight to the argument that trees could add screening or make a meaningful contribution to local biodiversity or green infrastructure. The development would fragment and urbanise the site's road boundary, and appear as encroachment into the sensitive landscape to the south of Hill Top.
18. Consequently, notwithstanding that these elevations and layout plans are indicative they do not support the arguments that the site could readily accommodate the development and create dwellings that blended into the area as the host dwelling does. Given the site's constraints it seems unlikely that other layouts for two dormer bungalows could address my concerns in this regard.
19. I conclude that the development would encroach into and urbanise the buffer between Baddesley Ensor and the sensitive rural landscape to the south. The Landscape Character Assessment notes that there is potential for built development at the edges of the settlement. However, it does not follow that the areas of development have to be located within areas of higher sensitivity.
20. In the light of the above, I conclude that the development would have an adverse effect on the character and appearance of the area. This would be contrary to LP Policy ENV12 which requires development to harmonise with its immediate setting and wider surroundings, and LP Policy NW12 which requires development to positively improve an individual settlement's character, appearance and environmental quality.

Planning balance

21. A recent appeal³ has concluded that the Council can demonstrate five year housing land supply (HLS). Moreover, the latest housing delivery test figures for the Council are well above what is required⁴. However, these figures are based on the housing needs identified for the Core Strategy, adopted six years ago.
22. That recent appeal also acknowledges that future housing need figures have significantly increased since the adoption of the Core Strategy. Although the emerging plan process has stalled at the present time, on balance I conclude that it is unlikely that the Council can demonstrate five year housing land supply. Consequently, for the purposes of this appeal Paragraph 11d) of the National Planning Policy Framework (the Framework) is engaged.
23. Two dwellings would be deliverable and small sites can make an important contribution to local housing supply. However, on the basis of my reasoning with regard to the sensitive landscape I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits arising from two dwellings, when assessed against the policies in the Framework work taken as a whole.

Conclusion

24. I conclude that the development would fail to accord with relevant policies of the local development plan and national guidance. The conflict with the development plan taken as a whole would not be outweighed by other material considerations. Therefore, the appeal should be dismissed.

A Blacq

INSPECTOR

³ APP/R3705/W/19/3234056

⁴ MHCLG February 2020