



Appeal Decision

Site visit made on 27 July 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/R3705/W/20/3247217

19 Dordon Road, Polesworth, Warwickshire B78 1QW

- 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 A Roberts against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0317, dated 6 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the construction of 2 single storey dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission was initially missing details of the proposed garage buildings and the details of one of the bungalows. However, as part of the appeal submission these details have now been provided.
3. In accepting these details at this stage, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982). However, given that these details should ordinarily have been part of the original application, and were already described in the application documentation itself, I consider that there would be no prejudice to any party by accepting this detail at the appeal stage. I have therefore determined the appeal with these plans in mind.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to noise and disturbance from vehicles.

Reasons

Character and appearance

5. The appeal site is located on the west side of Dordon Road which is largely a residential area, albeit that there is a school nearby. The properties on Dordon Road have a varied style and palette of materials, although the prevailing form of development in the area is that of properties which directly front onto the street.

6. As pointed out by the Appellant, there are some exceptions to this in the wider area, although this does not in itself define the overarching pattern of development.
7. The appeal site itself, is somewhat unusual in that it is 'L' shaped and wraps around the rear of 17 Dordon Road and is therefore substantially larger than many of the other properties in the area. That said, one of the characteristics of the area is that properties have long or wide gardens.
8. My attention has been drawn to a previous appeal decision¹ at the site which, from the evidence before me, indicates was for three detached two-storey houses (albeit that this proposal was in outline only). Significantly, that appeal decision set out that the siting of the new dwellings within the rear garden would be at odds with the established pattern of development in the area.
9. The current proposal is different in that there is a reduction in the number of residential properties proposed and that they are bungalows rather than two-storey dwellings. In that sense, the visual implications of the current proposal are significantly less than the previous appeal development and it cannot be said that the proposal would result in the same level of visual harm to the area. In that sense, the current proposal would not restrict views across the appeal site to any great degree given its scale and single storey nature.
10. That said, the proposal would still be in contrast to the established pattern of development in the area and I find that this is the most important factor in my determination of the effect of the development on the character and appearance of the area.
11. Whilst the existence of ancillary domestic buildings to the rear of the existing dwellings provide some built form in a tandem fashion, it is significant that these are largely of a much smaller scale than the appeal proposal. I have also had regard to the buildings which form part of the school complex to the south of the site. However, these are part of a very different type of development and do not justify what is before me.
12. In addition to the above, the proposal would significantly reduce the size of the garden to the existing property. Whilst I acknowledge that the existing garden is probably the largest in the area, the resultant garden would neither be as long or as wide as other detached properties in the area. To that end, this would lead to further erosion of the character and appearance of the area.
13. For the above reasons the proposal would harm the character and appearance of the area and would be in conflict with Policy NW12 of the North Warwickshire Core Strategy (2014) (CS) and Policy ENV12 of the North Warwickshire Local Plan 2006 which amongst other matters seek to ensure that development relates well and harmonises with the immediate setting and wider surroundings and improves the settlements character. It would also conflict with the overarching aims of the National Planning Policy Framework.

Living conditions

14. The existing dwelling has a long driveway alongside the boundary with Fairbirch House and the appeal proposal would utilise this driveway to access the two new dwellings. This, combined with the relocation of the existing

¹ Reference APP/R3705/A/14/2213784 dated 2 June 2014

- dwelling's parking provision to the property frontage, would mean that there would be a net gain of one additional property utilising this driveway.
15. However, the most significant issue is in relation to the occupants of the host property, No.19, as this property has four corner windows which are immediately adjacent to the driveway at both ground and first floor level. Whilst any existing vehicular activity along the driveway is currently associated with this dwelling, this would not be the case should the appeal proposal be allowed.
 16. In the absence of any convincing evidence to the contrary, the noise and disturbance from vehicles associated with the two new properties would be likely to cause an unacceptable level of harm to the occupiers of No.19.
 17. As noted by the Council, it would not be possible to control any such disturbance. Furthermore, users of the driveway would be able to have a clear view into the two habitable rooms through the corner windows which in turn would lead to a loss of privacy.
 18. Turning to the adjoining properties, I am also conscious that the proposal would introduce new vehicle activity close to the rear boundary of No.17. However, this would be behind some existing outbuildings and as such any noise and disturbance associated with these movements would be largely shielded from the rear garden and dwelling of No.17. Given the single storey nature of the development, and the existing outbuildings, I consider that there would be no loss of privacy to the occupants of No.17 as a result of the front windows of the bungalow facing the rear of No.17.
 19. In respect of Fairbirch House, there is an existing hedgerow which provides a degree of screening from the access driveway. Whilst the increased use of the driveway would lead to some additional noise and disturbance, given the amount of development proposed I consider that this would not lead to such a degree of harm which would warrant the withholding of planning permission.
 20. For the above reasons the proposal would adversely affect the living conditions of the occupiers of 19 Dordon Road as a result of increased noise and disturbance from traffic passing along the driveway contrary to Policy NW10 of the CS which seeks to ensure that new developments avoids unacceptable impacts upon neighbouring amenities through overlooking and noise disturbance.

Other matters

21. I have also had regard to other developments which have been brought to my attention, including a new dwelling between 13 and 17 Dordon Road, and the Abbey Croft bungalows (and others off High Street).
22. However, the new dwelling between 13 and 17 Dordon Road sits broadly in line with the existing dwellings and is not a tandem style of development. In respect of the other bungalows off High Street, I note that these are not in the immediate vicinity of the appeal site. Furthermore, from the very limited information before me, it is not clear whether these were given permission under the same set of planning policies or similar circumstances. Moreover, each proposal must be considered on its individual merits.

23. I have also taken account that the proposal would contribute two new much needed dwellings to the area. However, the positive aspects of this do not outweigh the harm I have identified.
24. Finally, I have also had regard to the matters raised in the representations, including matters relating to traffic, access issues and the proximity of the school. However, none of these matters provide a further compelling reason why planning permission should be withheld.

Conclusion

25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR