



Appeal Decision

Site visit made on 13 October 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/T3725/W/20/3252903

Land to the rear of 14-16 Randall Road, Kenilworth CV8 1JY

- 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 Elliot Parry against the decision of Warwick District Council.
 - The application Ref W/19/1558, dated 12 September 2019, was refused by notice dated 19 December 2019.
 - The development proposed is 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has confirmed that in its second reason for refusal, it incorrectly referenced Policy BE3 instead of Policy BE1 of the Warwick District Local Plan 2011-2029, adopted September 2017 (LP). Nonetheless, the Council's Officer Report refers to Policy BE1 of the LP, as do the appellant's submissions. Accordingly, I have determined the appeal with regard to LP Policy BE1 instead of LP Policy BE3, where relevant, and I do not consider that the interests of any party have been prejudiced by my having done so.

Main Issues

3. The main issues are whether the proposal offers safe and suitable access for the proposed dwelling; and, makes suitable provision for waste and recycling management.

Reasons

Suitability of the proposed access

4. The access to the proposed dwelling would be from Warwick Road, to the east of the appeal site, via a car park used in association with town centre commercial premises, and beyond this along a loosely gravelled track, which provides access to the rear of gardens and outbuildings associated with properties along Randall Road and Barrow Road. On the information before me this track is mainly used by pedestrians.
5. Most notably, in parts, the track is narrow due to the proximity of existing structures and boundary treatments, making it particularly constrained for regular vehicular traffic associated with a modest family dwelling, including visitors and deliveries, which could include larger vehicles. Furthermore, in parts, landscaping overhangs this track and there is limited natural

surveillance. For these reasons, the track would be uninviting as a daily access, particularly at night as there is no lighting along it.

6. Additionally, the lack of a footpath along the commercial car park offers poor legibility and access for pedestrians and this would increase the likelihood of conflict with vehicles, which is likely to be exacerbated outside of daylight hours.
7. Despite the lack of objection from the Council's Highways Officer, for the above reasons the access arrangement for the new dwelling would be unappealing and unsafe and therefore unsuitable. This would therefore conflict with Policy TR1 of the LP, which only permits development proposals that provide safe, suitable and attractive means of access.

Suitability of the proposed waste and recycling arrangements

8. The distance from the proposed dwelling to the nearest Council's kerbside waste and recycling collection points, significantly exceeds the British Standards requirements as set out in BS 5906:2005 'Waste management in buildings – Code of practice' as referenced within the Council's Warwick District Council Design Guide Residential, May 2018 (Design Guide). This requires that residents and/or waste collection operatives should not be required to move any 2-wheeled container more than 15m from the point of storage to the point of collection.
9. Consequently, while the future occupiers could keep waste and recycling containers near the proposed dwelling, they would still be required to move these over an excessive distance, along a proposed access which I have already found to be unsafe and unsuitable. This type of arrangement would be particularly inconvenient for occupants when moving full containers. Furthermore, the proposed arrangement could lead to the waste and recycling containers being left for extended periods of time near the highway, thus having a detrimental impact on visual amenity.
10. Whilst the appellant asserts that such arrangements are not uncommon in the District, such as rural areas, this is not suitable justification for failing to make sufficient provision for kerbside collection for a new dwelling, in an urban location, in accordance with the Council's requirements. Also, in the absence of a legal agreement, I cannot be certain that the use of a private waste contractor to serve the new dwelling, could be secured in perpetuity.
11. For the above reasons, the proposal fails to make suitable provision for waste and recycling management. This would fail to accord with Policy BE1 of the LP, which amongst other things requires that proposals will be expected to demonstrate that they make sufficient provision for sustainable waste management, including facilities for kerbside collection, without adverse impact on the street scene.

Other matters

12. To justify the proposed access, and waste storage and collection arrangements for the new dwelling, the appellant has referred to an existing property at 32A Randall Road. However, on the information available to me, that dwelling was approved under different policy requirements and also pre-dates the Council's Design Guide. Additionally, it has no vehicular access which removes any potential for conflict between pedestrians and vehicles. Its pedestrian access is

along an established footpath between two roads, which in part is lit. Therefore, the two schemes are not directly comparable. Also, the approved dwelling does not reflect the prevailing pattern of development in the area, where properties generally have frontages closer to the highway, making them easily accessible and conveniently located for waste and recycling collection arrangements.

13. Although the appellant is willing to accept a condition to secure lighting along the track, in the absence of a scheme, I cannot be certain that this would be practicable given the constrained nature of the track. In any event, this would not address all of the issues I have identified.
14. I have taken into account the other concerns raised locally but given the reasons and development plan conflict outlined above they have not affected my overall decision.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR