



Appeal Decision

Site Visit made on 7 December 2020

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/E3715/W/20/3259606

Land rear of 11 Ashlawn Road, Hillmorton, Rugby CV22 5ET

- 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 Saiansh Ltd against the decision of Rugby Borough Council.
 - The application Ref R20/0490, dated 23 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is erection of a dormer bungalow (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on the character and appearance of the area.

Reasons

3. There is a reasonable and often generous set back of the houses south of the appeal site and on either side of Barby Lane which creates an open and spacious character. Whilst the rear elevations of the properties fronting Ashlawn Road are visible from Barby Lane, they are set well back and therefore are not a defining characteristic. Instead, rear gardens, soft landscaping and grass verges contribute positively to the area's open and verdant character. The outbuildings within the rear gardens can be seen from Barby Lane but their form and scale is modest and so remain ancillary to the wider landscape and therefore do not detract from the open character described.
4. The dwelling would sit closer to the road than most of the houses within the street, including No 2 Barby Lane. As such, the bungalow would be inconsistent with the existing pattern of development and therefore would appear unduly dominant and incongruous. The building line along Barby Lane may not be regular but there is a continuum of properties which stops just before the appeal site and the adjoining access road from Barby Lane. Given the distance of the new dwelling from No 2 and its position described, the development would appear as an anomaly in the street. The visible position of the appeal site on a bend in the road would exacerbate the development's prominence.
5. By virtue of its form and mass, the bungalow would exhibit a degree of permanence and would urbanise the rear garden of No 11. This would contrast awkwardly with the open character of the area. Existing means of access along Barby Lane are more subservient in the landscape and therefore do not set the

scene for a building of the scale proposed. Similarly, the development behind No 2 and No 4 Barby Lane, whilst backland development, does not front the street and so does not compare with the appeal proposal.

6. The development would provide a number of positive benefits, not least the provision of housing on an accessible and underused site. I am also aware that the Council raised no objection to matters including highway safety and neighbouring amenity and I note the appellant's efforts to re-design the scheme to better suit its surroundings. Weighed against these benefits is the harm that I have found to the character and appearance of the area as a result of the development proposed. The benefits would not overcome the harm identified and therefore the proposal would be contrary to policy SDC1 of the Local Plan (2019) which, amongst other things, seeks development that responds to the character of the area in which the development is situated.

Other matter

7. The development in the approved Certificate of Lawfulness before me and that which could be constructed under permitted development would be ancillary to the main dwelling house. That is not the case for the bungalow which would operate independently of No 11, not least by virtue of its separate access and self-contained facilities. The purpose-built nature of the bungalow and the associated comings and goings of people and vehicles would mean that the dwelling would be more intense and have a greater presence than an ancillary building. Therefore, by comparison, the bungalow would be unduly conspicuous and incongruous within the area, with a more harmful effect on the character and appearance of the area.
8. And so, the existence of the fallback position is an important material consideration and there is nothing before me to suggest that a notable building could not be constructed if the appeal was dismissed. However, for the reasons given, the differences between the proposed scheme and that which could be constructed via alternative means are sufficient for me to reach a different conclusion on character and appearance. The fallback, therefore, has not greatly influenced or fettered my reasoning on the appeal proposal.

Conclusion

9. For the reasons given above, and having regard to all other matters, I conclude that the development would be contrary to the development plan. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR