



Appeal Decision

Site Visit made on 1 February 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2021

Appeal Ref: APP/T3725/W/20/3262093

1 Beaurevoir Way, WARWICK CV34 4NY

- 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 Ms Diana Chambers against the decision of Warwick District Council.
 - The application Ref W/20/0774, dated 26 May 2020, was refused by notice dated 9 September 2020.
 - The development proposed the erection of a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling, at 1 Beaurevoir Way, WARWICK CV34 4NY, in accordance with the terms of the application, Ref W/20/0774 and associated plans, dated 26 May 2020 and subject to conditions set out in the attached schedule.

Preliminary Matters

2. The application is made in outline form with all matters reserved apart from access. Indicative layout plans and a front elevation have been submitted showing the siting and appearance of the dwelling. This would align with the neighbouring dwelling and shows how the root protection areas of adjacent trees could be avoided. However, as siting and appearance are reserved matters, I have afforded only limited weight to these details. I shall consider this appeal on those terms.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the wider estate; and
 - the effect of the proposal on the living conditions of future occupiers with particular regard to noise and vibration.

Reasons

Character and appearance

4. The site is within a housing estate in an urban setting. Campriano Drive is a distributor road that loops through the estate. Dwellings form a close-knit built form adjacent to this highway, with many car parking areas arranged in courtyards behind frontage dwellings. Two main areas of public green space, within the estate, consist of the central park and Beaurevoir Way. Beaurevoir Way is a wide footpath, enclosed by mature trees, that provides a linear

walkway through the estate. This green corridor travels alongside the park and connects through the estate to Emscote Road.

5. The estate consists of well-defined structured green areas and a relatively linear built form that closely follows the roadways. Residential front gardens, and other incidental green areas, provide a secondary group of open green areas. These visually reinforce the open and verdant character of the estate, although to a lesser extent than the main public spaces. The site itself is a gap at the end of a row of dwellings and adjacent to the railway embankment. It is visible to users of the footpath but is of lesser importance to the surrounding open character due to its discrete location. This gap therefore makes only a moderate contribution towards the open character of the estate.
6. The proposed dwelling would result in the infilling of this gap and the reduction of the space to the railway line embankment. Nevertheless, the site is not a substantive component of the principal open spaces arranged throughout the estate and makes only a limited contribution to the secondary spaces identified. Furthermore, although the site appears to have only recently become enclosed it was previously poorly maintained and made only a limited contribution to the main and secondary areas of open spaces within the estate. The appeal site is not therefore integral to the openness of the estate and wider area.
7. Furthermore, the proposal would extend the existing row of dwellings consistent with the established building line. It would also consist of a development plot that would be of comparable size to its neighbours. The proposed development would therefore make a positive contribution to the linear character of built form within the estate. As a result, development of the site would have a positive impact on the character and appearance of the wider estate.
8. Accordingly, the proposal would accord with policies BE1 and H1 of the Warwick District Local Plan 2011-2029 (2017) (LP). These policies seek to permit development that would positively contribute to its environment, that would harmonise with the existing settlement and would consist of the development of garden land that would harmonise with the established character.

Living conditions

9. The site is adjacent to a railway line on an embankment that is elevated by around 8 metres. The submitted Noise and Vibration Report¹ explains that sound levels were taken over three days and two nights to establish background noise levels. An accelerometer was also installed to gauge vibrations. This found that extremely limited ground borne vibrations were recorded from passing trains. This resulted in a low probability of adverse comment. It also found that the noise climate was relatively low, and that noise attenuation could readily achieve appropriate internal noise levels. The Council's Environmental Health officer found the Noise Assessment to be acceptable. I see no reason not to concur with these conclusions. The proposed dwelling would therefore be a sufficient distance from the railway line to ensure that future occupiers would not suffer adverse noise effects.

¹ Environmental Noise and Vibration Assessment, Noise Harvest 22/10/20

10. Furthermore, the proximity of the dwelling to the railway line is similar, or more distant, than several local examples identified in evidence. Consequently, paying particular regard to the findings of the Noise Assessment, noise levels experienced by future occupiers could be suitably managed with the addition of glazing attenuation secured by planning condition. Consequently, the proposal would not result in an adverse impact on the living conditions of future occupiers of the proposal with respect to noise and vibration disturbance.
11. As a result, the proposal would accord with policy BE3 of the LP, which seeks to resist development that would not provide acceptable standards of amenity for future users and occupiers of development.

Other Matters

12. The appeal site is within the setting of the Emscote Lawns building. The significance of this listed building appears to derive from its architectural interest and origins. However, due to the separation distance and intervening buildings, the effect on the setting on the building would be preserved.
13. The site presents a reasonable proposition for one dwelling. Each case must be considered on its own merits, however it is unlikely that a future scheme would present similar circumstances to those presented in this case. Accordingly, this proposal would not establish an undesirable precedent for future development.
14. The proposal would be capable of connecting to this existing arrangement and to accommodate two on-site parking spaces. This would prevent any significant effects to the existing parking or access arrangement for adjacent residents within the shared courtyard. Moreover, concerns raised in regard to access and ownership are civil matters between respective landowners.
15. The effect of construction disturbance on the living conditions of adjacent residents would be limited due to the scale of the proposal. As such, the living conditions of nearby residents would not be adversely affected by any temporary disturbance caused by the construction process.

Conditions

16. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). The Council has suggested the imposition of 8 conditions. I shall impose most of these with some minor amendments and adjustments for clarity. The Council has requested that a Noise and Vibration Assessment be submitted but I am satisfied that one is no longer required based on the Appellant's supporting evidence. I have also combined the Council's conditions 5 and 6 for simplicity.
17. I have imposed the standard conditions advised by the PPG for clarity and certainty [conditions 1, 2 and 3]. A condition is necessary with respect to clarity and for the provision of parking and access to satisfy highway safety interests [4]. Furthermore, conditions are necessary with regard to vehicle charging and water usage to satisfy the requirements of policies NE5 and FW3 of the LP [5 and 6].
18. Also, although not offered by the Council a condition is necessary to require that the proposal is undertaken in accordance with the recommendations of the Appellant's Noise and Vibration Assessment to protect the living conditions of future occupiers of the dwelling [7].

Conclusion

19. For the reasons given I conclude that the appeal should succeed. Planning permission is therefore given subject to the attached conditions.

Mr Ben Plenty

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application/s for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the submitted location plan and indicative site plans 446.01 and 446.02 (but only in respect of those matters not reserved for later approval). Furthermore, any car parking and manoeuvring areas shown within the subsequent reserved matters application shall be provided in accordance with the approved details and thereafter those areas shall be kept marked out and available for such use at all times.
- 5) The dwelling hereby permitted shall not be occupied until details of the installation of a minimum 16amp electric vehicle recharging point which is ready for use have been submitted and approved in writing by the Local Planning Authority. Thereafter the point shall be retained in accordance with the approved details and shall not be removed or altered in any way.
- 6) The development hereby permitted shall not be occupied until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details. Thereafter the works shall be maintained in accordance with manufacturer's specifications.
- 7) No development shall be commenced above ground floor slab level until details of glazing attenuation and trickle vents, in accordance with the recommendations of the Environmental Noise and Vibration Assessment, by Noise Harvest dated 22/10/20, have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall then be carried out in accordance with the approved details.

End of schedule