



Appeal Decision

Site visit made on 24 May 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/T3725/W/21/3270903

Peacock Hotel, 149 Warwick Road, Kenilworth CV8 1HY

- 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 Kumar Muthalagappan, on behalf of KM Building & Developments Limited against the decision of Warwick District Council.
 - The application Ref W/20/1741, dated 23 October 2020, was refused by notice dated 1 February 2021.
 - The development is proposed demolition of existing hotel and dwelling, and creation of 9 detached dwellings and associated vehicular access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions for the occupants of neighbouring properties, having particular regard to privacy and outlook;
 - iii) whether the proposal would provide suitable living conditions for future residents;
 - iv) whether the proposal would provide a safe and suitable access for all; and
 - v) whether the proposal would provide suitable provision for on-site parking.

Reasons

Character and appearance

3. Much of the appeal site is currently occupied by a hotel within a built-up environment. It occupies a prominent position within the street scene, but the associated buildings extend into the site. The principal hotel building is formed by a three-storey structure that has a twin gabled front façade. It is situated immediately adjacent to the back edge of the footpath. The site also includes a two-storey detached dwelling that is set back from the road behind a large driveway. This building has an asymmetric and inverted pitched roof with wide single storey flat roof projections on both sides of the central two storey mass.

4. To the north-west of the hotel building, the scale of development is more domestic with buildings generally two storeys in height. The immediately adjacent building is also set back from the highway. The two-storey development continues for a prolonged extent before jumping to a four-storey apartment building. Opposite the site, the predominant form of development is two storey dwelling houses with pitched roofs.
5. Due to the scale and positioning of the hotel, it dominates the adjacent cottage building and is of a substantially grander scale to the unattached two storey dwelling. In this respect therefore, it is a large and imposing building that is at odds with the prevailing form and appearance of other buildings. However, despite its dominance, its siting ensures that it has space to the south-east, and it is set forward of its neighbour to the north-west. Accordingly, the hotel represents an individual event within the street scene that provides some architectural interest to the otherwise low-key surroundings. However, due to its demonstrable differences with the prevailing character and appearance, the building should not be seen as the architectural 'norm' within the surrounding built environment
6. To the front section of the site, the proposal seeks to introduce five dwellings that would be set back from the road. The buildings would be two storeys in height with a mansard roof providing further accommodation within the third storey. They would also be detached albeit via a very modest gap between buildings. The buildings would have a deep plan form with the mansard roof spanning the full depth. Accordingly, due to the span of the dwellings, the mansard roofs would create a significant roof form that in terms of mass and visual bulk, would be akin to a third storey. In addition, although there would be gaps between the buildings, these would not provide any meaningful separation. Consequently, the houses would present a wide and unrelieved mass to the street, other than the relatively central vehicular access.
7. The height of the proposed houses would be comparable to the existing hotel building. However, as identified above, the hotel is an individual structure within an otherwise low-key street scene. It has space about it as well as architectural interest. Accordingly, as a one-off event in the street, it makes a pleasing contribution to the built environment. In contrast, the proposed dwellings would introduce a substantially wider and unrelieved mass to the road, and the scale, height, and overall bulk of the proposed houses would be significantly greater than the prevailing form of development. As a consequence, due to their scale and overall bulk, rather than reinforcing a uniform and harmonious scale of development, the proposed houses would be unduly dominant and imposing within the street scene. They would introduce an overwhelming presence within the street that would be demonstrably different to the interest provided by the individual and pleasing nature of the current building. This would cause substantial harm to the otherwise unassuming street scape.
8. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. Consequently, it would fail to comply with Policy BE1 of the Warwick District Local Plan (2017) (LP) and Policies KP13 of the Kenilworth Neighbourhood Plan (2018) (NP). Taken together, these policies seek amongst other things, development which positively contributes to the character and quality of its environment.

Living conditions – neighbours

9. Beyond the rear of the site is Clarke's Avenue, a cul-de-sac which provides a suburban environment that is in contrast with the more urban surroundings of Warwick Road. Many of the houses are two storeys in height and have generous gardens to the rear. The appeal proposal would introduce four dwellings towards the rear of the site, and as with the houses to the front, these would also be three storeys in height.
10. Due to the height of the proposed houses, the Council's Residential Design Guide Supplementary Planning Document (SPD) would require a separation distance of 27 metres between the proposed and existing dwellings. However, based on the evidence before me, the proposed separation distances would vary between 22 and 25 metres. In addition, the gardens to the rear of the site would vary between 5 and 8 metres in length, with the consequence that bedroom windows located at second floor level would be close to the shared rear boundaries.
11. The site is located in a broadly urban environment and I accept that the proposal seeks to make good use of a sustainably located brownfield site. I also accept that the SPD outlines a general approach and is not in itself policy. However, due to the length of the proposed gardens and the height of the proposed dwellings, the proposal would give rise to clear views into neighbouring gardens from elevated positions. This would have a demonstrably harmful effect on the privacy currently enjoyed by the occupants of neighbouring dwellings. Despite this, I am satisfied that the separation distance between the dwellings would be sufficient so as to not unduly compromise outlook.
12. Accordingly, having regard to privacy, I conclude that the proposal would harm the living conditions of the occupants of neighbouring properties. It would therefore fail to accord with Policy BE3 of the LP and Policy KP13 of the NDP, as well as guidance contained within the SPD. Taken together, these seek amongst other things, development which would not have an unacceptable adverse impact on the amenity of nearby residents.

Living conditions – future occupants

13. As with the concerns identified above, the properties to the rear of the site would also look towards the rear elevations and garden spaces of plots 1 – 5. Although the plots to the rear are sited at an angle moving away from the dwellings located to the front of the site, the separation between units would again fail to meet the requirements of the SPD. The proposal would provide town house development within a town centre and accordingly, meeting the targets of the SPD might be overly onerous. However, the separation between plot 6 and the garden space of plots 4 and 5 would be very limited. Accordingly, unrestricted and elevated views would be provided in close proximity, and in my judgement, this would result in an unsatisfactory level of privacy for future occupants.
14. The proposed garden areas for the dwellings would also be less than that desired by the SPD. However, I find that the evidence provided by the Council is not compelling in terms of articulating specific harm in relation to this matter. The spaces would facilitate outside activities and accordingly, they would be useful and usable.

15. Despite this, I find the relationship between plots 6 and plots 4 and 5 would give rise to inappropriate levels of overlooking. As a consequence, I conclude that the proposal would fail to provide suitable living conditions for future occupants. It would therefore fail to comply with Policy BE3 of the LP, Policy KP13 of the NDP, and guidance contained within the SPD. Taken together, these seek amongst other things, development which provides acceptable standards of amenity for future users and occupiers.

Safe and suitable access

16. The proposed vehicular access would not provide separate pedestrian footpaths, and instead the central space would be a shared environment for all users of the site. This would have the effect of vehicles and pedestrians using the same space to move around the site as well as to provide access to and from the main highway.
17. I note the concerns regarding the potential conflict of movements, however, the nature of the entrance and the internal space would be such that vehicle speeds within the development would be slow. In addition, due to the scale of the development, the number of vehicular movements would also be somewhat limited.
18. Due to the low number of movements and the likely slow speeds, I am satisfied that pedestrians and vehicles could share the space in a safe and satisfactory manner. Accordingly, I conclude that the proposal would provide a safe and suitable access for all. It would therefore comply with Policy TR1 of the LP which seeks amongst other things, safe and suitable access routes for all road users.

Parking provision

19. The proposal would provide 17 parking spaces within the development, as well as four integral garages for the plots to the rear of the site. In total therefore, the proposal would provide parking spaces for 21 vehicles. I note the suggestion that the development may generate demand for 27 spaces, but the proposed provision satisfies the Council's parking requirements. I also note comments about the dimensions of the proposed garages but based on the evidence before me, these would still be functional spaces to store cars if that was how they were chosen to be used.
20. Due to the Council's concerns in relation to parking provision, in their view, the proposal would be likely to lead to the parking of vehicles on the highway. However, in this regard, a parking survey indicates that on-street provision is ample to cater for any additional needs generated by the development. Although this might not be as convenient, I have no compelling evidence to demonstrate that this would be to the detriment of highway safety.
21. No objection was raised to the proposal by the Highways Authority, and based on the evidence before me, I have no reason to disagree. Parking provision would meet the necessary standards, and it has also been demonstrated that on-street parking is available close to the site. Accordingly, I conclude that the proposal would provide suitable provision for on-site car parking. It would therefore comply with Policies TR3 and BE3 of the LP, as well as Policy KP12 of the NDP. Taken together, these seek amongst other things, development which

makes provision for parking which has regard to the location and accessibility of the site as well as not being detrimental to highway safety.

Other Matters

22. The proposal would bring forward the provision of family homes in a town centre location, thereby introducing a housing mix that is perhaps not as readily available as smaller units. In doing this, it would also make a small but important contribution to local housing supply. The proposal would also bring with it economic benefits through the creation of construction jobs as well as ongoing inward investment to the local economy from future residents. However, the development is only of a modest scale and as a consequence, I only give moderate weight to these matters.
23. I also agree that the requirement to provide a five year supply of deliverable housing sites is not an upper limit. However, the fact that the Council is meeting this requirement ensures that the presumption in favour of sustainable development, as set out within Paragraph 11 of the National Planning Policy Framework, does not apply in this instance.
24. For the reasons identified above, I give substantial weight to the harm that the proposal would cause to the character and appearance of the area, as well as to the living conditions for neighbouring and future occupants. Accordingly, the matters set out above do not outweigh my findings in relation to the main issues.

Conclusion

25. The proposal would provide a safe and suitable access, and it would also provide sufficient car parking spaces within the site. However, these matters do not alter or outweigh my fundamental concerns in relation to character and appearance and living conditions. Consequently, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR