



Appeal Decision

Site Visit made on 28 June 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/R3705/W/21/3269690

Rear of 50 New Street, Dordon, Warwickshire

- 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 O Carvalho against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0245, dated 8 May 2020, was refused by notice dated 6 October 2020.
 - The development proposed is a new dormer bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development proposed on the character and appearance of the area, and highway safety, with particular regard to access.

Reasons

Character and Appearance

3. The appeal site comprises a broadly rectangular parcel of vacant land situated to the rear of 50-56 New Street within a residential area of Dordon. The site adjoins the rear gardens of properties on both New Street and Long Street and is accessed via a relatively long access road which runs between 40 New Street and Lyndhurst. The main body of the site is partly hard surfaced and includes two sheds on the southern part. The site is enclosed by concrete panels on the boundaries with the neighbouring properties. Directly to the south there is a further area of hardstanding and a detached garage.
4. The overriding character of development on both New Street and Long Street is that of two storey terraced properties following linear building lines with a road frontage and strong street scene presence, which contributes positively to the character of the area. Existing properties on the eastern side of New Street, and Long Street to a lesser extent, generally have very long rear gardens, which gives a spacious character. Although there are some domestic outbuildings within the rear gardens of neighbouring properties, the land between New Street and Long Street is otherwise free from built form.
5. The proposed dwelling would be a detached dormer bungalow with a gabled roof and two small dormers to the front elevation. Off road parking would be provided to the front and a small garden would be situated to the rear. Given

its siting to the rear of properties on New Street and Long Street, the proposal would not have a street presence in the way that the existing properties on those streets do. The proposal would therefore undermine the pattern of development on these streets and would erode one of the area's defining characteristics. Thus it would be wholly out of keeping with the established character of linear frontage development.

6. I saw no evidence of other backland development in the surrounding area during my visit. Although domestic outbuildings within the gardens of the existing dwellings provide some built form to the rear of the terraces, these are clearly read as ancillary structures to the frontage dwellings. Furthermore, they are of a significantly smaller scale than the appeal proposal and do not provide justification for it.
7. The harm arising from the siting of the proposed dwelling would be exacerbated by the positioning of the proposal near to the eastern and western site boundaries with limited external space surrounding it. The proposal would have a very small rear garden which would not reflect the more spacious gardens of neighbouring properties, further emphasising the failure of the development to respect the prevailing pattern of development. The proposed development would therefore appear cramped in relation to the size of the site.
8. Due to its position to the rear of the existing properties, the proposal would be largely screened from nearby public vantage points. However, the proposal would appear as a prominent and intrusive feature within its immediate setting and from numerous neighbouring dwellings and their rear gardens. The lack of public views of the dwelling does not justify the harmful effect it would have on the established pattern of development in the area.
9. The appellant refers to an approved scheme of 12 dwellings to the rear of the former Co-Operative store¹ to the north of the appeal site, which the appellant states will, if implemented, disrupt the historic pattern of separation between New Street and Long Street. Although I do not have the substantive details of that scheme before me, on the basis of the evidence, I do not consider that scheme to be comparable to the appeal development because it would be a comprehensive infill development with the dwellings fronting onto a road.
10. The appellant also refers to a permission for one dwelling at 80 New Street². That application was granted permission a significant amount of time ago and predates current planning policies. I have also been provided with an aerial photograph of a recent residential development at Dunn's Lane. I do not have the full details of these cases before me or the circumstances which led to their approval. The image of the development at Dunn's Lane provided by the appellant appears to show an infill development rather than a backland form of development. Accordingly, based on the evidence before me, I cannot draw any direct comparison between these developments and the proposal before me that weighs in its favour. In any event, I have determined the appeal on its own merits.
11. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. As such, it would be in conflict with saved Policy ENV12 of the North Warwickshire Local Plan 2006

¹ Council ref. PAP/2017/0659

² Council ref. PDORDV/1268/1999/FAP

(the Local Plan) and Policy NW12 of the North Warwickshire Core Strategy 2014 (the Core Strategy), which, amongst other things, seek to ensure that development harmonises with the character and appearance of its surroundings.

Highway Safety

12. The development would be accessed via the existing unadopted shared access road. For the majority of its length the access is bounded by the rear gardens of 40 New Street and Lyndhurst and is narrow. Two vehicles are not able to pass each other until further along the road, including to the rear of No 40, which is a substantial distance from the public highway and is on land outside the appeal site. Given the significant length of the access, its restricted width, and lack of passing opportunities, once a vehicle has committed to entering the access it would likely have to reverse back onto New Street if it met another vehicle. Such manoeuvres would be difficult, particularly for a larger vehicle such as a delivery van, since vehicles parked on the street generally restrict visibility and reduce its width. Reversing such a distance and on to New Street with insufficient visibility would lead to an unacceptable risk of conflict with other vehicles and pedestrians using the footway.
13. Due to the height of a garden wall and a fence to the front gardens of No 40 and Lyndhurst immediately adjoining the access, and the presence of vehicles parked on the street, visibility for drivers emerging onto New Street from the access is restricted in both directions. According to the Highway Authority, the visibility splays onto New Street are 3.8m, which represents a significant shortfall in the Highway Authority's requirement which is in the region of 33m based on average vehicle speeds. The appellant has not disputed these figures. During my site visit I saw that the footpath is well used. Although this was only a snapshot in time, there is no substantive evidence to indicate that it was not typical of its use. Consequently, there would be increased conflict between vehicles exiting the site access and users of the footpath. This risk would be exacerbated in the event of a vehicle having to reverse onto New Street to avoid an oncoming vehicle.
14. In addition, there are no pedestrian footways along the length of the access itself, which would further increase the risk of conflict between pedestrians and vehicles.
15. Furthermore, the Council's Waste and Transport Manager confirms that they would not consider accessing the road to provide waste services. According to the Council, the distance from the site to the public highway is about 75m. Therefore, future occupants of the dwelling would need to drag their bins a significant distance to New Street for collection. I consider that to be an unacceptable arrangement given the nature of the access, which is devoid of a pedestrian footway and lighting.
16. There is no evidence to suggest that the access road, including the visibility splays onto New Street, can be improved to an appropriate standard since that would likely involve land owned by third parties.
17. I acknowledge that the appellant and his family already use the access road to access the site. I could also see that it provides access for a small number of neighbouring properties. In this regard, I note that the Council approved an

application for the subdivision of 61 Long Street into two dwellings³ which shares the same access to New Street. However, it is likely that the proposed dwelling would result in increased vehicle trips, from future occupants and those visiting the site, including deliveries, which would lead to greater use of a substandard access with a consequent risk to highway safety.

18. I note the appellant's reference to other houses in Dordon having similar access arrangements. However, I do not have substantive details of these before me. In any case, this does not outweigh the harm to highway safety and the need to achieve safe and suitable access for new development.
19. For the above reasons, I conclude that the appeal scheme would have an unacceptable effect on highway safety due to the proposed access arrangements. Thus the proposal would be contrary to saved Policies TPT1 and TPT3 of the Local Plan and Policy NW10 of the Core Strategy, which, amongst other things, require development to make provision for safe vehicular access with appropriate visibility. There would also be conflict with paragraphs 108 (b), 110 (a) and 110 (d) of the National Planning Policy Framework (the Framework), which, amongst other things, seek to ensure that safe and suitable access to development can be achieved for all users.

Other Matters

20. The appellant argues that the site currently has an unkempt appearance which has a significant detrimental impact on the appearance of the area. He states that the proposal would prevent the site from becoming an eyesore, with growing security concerns and possible drug misuse. At the time of my visit, the site did not have a particularly unkempt appearance that detracted unduly from the appearance of the area. There is no evidence to suggest that the site would be at increased risk of criminal or anti-social behaviour in the absence of development taking place on the land.
21. The appellant claims that the proposal would be a modern ecologically sound building. However, there is little evidence to support the ecological credentials of the development. There is also no evidence to demonstrate that the proposal would meet a locally identified need for affordable housing as it is defined in the Framework or how it would be secured as such. I therefore attribute limited weight to these matters.
22. The development would offer potential benefits in terms of providing a new dwelling. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. I have attached some weight to these factors. However, given the modest scale of the development proposed, the weight attributable to these matters is limited. I note the letter of support for the proposal from an elected member and lack of objections from nearby residents. However, these considerations collectively do not outweigh the significant harm that I have identified and the conflict with the policies I have referred to.

Conclusion

23. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework,

³ Council ref. PAP/2012/0099

which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Mark Ollerenshaw

INSPECTOR

