
Appeal Decision

Site visit made on 25 May 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2021

Appeal Ref: APP/W3710/W/21/3268162

1 Virginia Place, Nuneaton CV10 7RX

- 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 Page against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 036850, dated 13 December 2019, was refused by notice dated 11 January 2021.
 - The development proposed is new build 3 bed detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021, after the Council had determined the application. I am required to consider this appeal based on the current Framework. The policies of the Framework that are material to this appeal have not changed fundamentally. As such, it is not necessary to revert to the parties further.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site is a corner plot located within an established residential area, adjoining Virginia Place to the south-east and Marsdale Drive to the south-west. The existing dwelling at 1 Virginia Place is located to the north-east of the plot, and the rear garden of 2 Virginia Place is located to the north-west. Surrounding dwellings are generally 2-storey in scale, with gable sided main roof forms. There is a variety of detached, semi-detached and terraced dwellings in the surrounding area, with a range of design details including bay windows, front facing gables, stone lintels, brick headers, hanging tiles, and mono-pitch porches. A large area of elevated public open space is located opposite the site to the west, across the curving arc of Marsdale Drive. Whilst there is variation in the orientation and set-back of dwellings across the wider residential area, there is a distinct set-back of dwellings on the eastern side of Marsdale Drive in the area closely surrounding the appeal site. This set-back of dwellings is

readily perceived when travelling along Marsdale Drive and, in combination with the significant area of adjacent public open green space, gives a spacious character to this area. 1 Virginia Place contributes positively to this character through the dwelling's congruent set-back from Marsdale Drive and its spacious side garden area.

5. The proposal would involve the subdivision of 1 Virginia Place's plot, with the proposed 2-storey detached dwelling located to the side (south-west) of the existing dwelling, and both dwellings facing onto Virginia Place. The proposed dwelling would be positioned significantly forward of the prevailing set-back of adjacent dwellings along the eastern side of Marsdale Drive. The proposal would, therefore, be incongruously prominent in the context of the nearby surrounding dwellings. Whilst I am satisfied that the appearance and plot density of the proposed dwelling is appropriately reflective of the surrounding area, this would not mitigate the harm derived from the proposal intruding into the open space that characterises the nearby surrounding area at a visually prominent corner location. The proposal, by virtue of its scale and prominence, would have a significantly more detrimental impact on the prevailing spacious character than the existing high boundary wall and hedge at no 1.
6. I have had regard to the dwellings in the surrounding area drawn to my attention by the appellant. I accept that these dwellings do not share the existing set-back of no 1 and its closest neighbours on the eastern side of Marsdale Drive. Notwithstanding this, the character of the street scene on the eastern side of Marsdale Drive, opposite the public open space, is more open than the wider residential area and is not significantly visually influenced by the dwellings drawn to my attention by the appellant. As such, the variation in orientation and set-back of dwellings in the wider residential area does not overcome the harm identified above.
7. The proposal would, therefore, cause material harm to the character and appearance of the area contrary to Policy BE3 of the Nuneaton & Bedworth Borough Council Borough Plan (2019) which requires, amongst other things, development to contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area. The proposal also conflicts with the Council's Sustainable Design and Construction SPD (2020) which requires, amongst other things, developments to take into account the local context and consider the layout of existing buildings, streets and landscape. Furthermore, the proposal fails to accord with Chapter 12 of the Framework insofar as it would not add to the overall quality of the area and would not be sympathetic to local character.

Other Matters

8. I have had regard to the concerns of the occupiers of the neighbouring property regarding the impact of the proposal on living conditions and parking. These matters are largely identified and considered within the Council officer's report on the appeal development. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters.

Planning Balance

9. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise.
10. I acknowledge that the proposal would result in some economic and social benefits, including through its construction and as a result of an increase in spending, and patronage of facilities, in the local area. The proposal would also contribute to the supply of housing in a location where the distances to services and facilities would limit the need to travel. As the proposal is for a single additional dwelling, I afford only limited weight to these benefits.
11. I have no evidence before me to suggest that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The most recent Housing Delivery Test measurement is 105%¹ of the local planning authority's housing requirement over the previous three years. Moreover, there is no suggestion in the evidence before me that the most important policies for the determination of the proposal are out-of-date. As such, the tilted balance, as set out in paragraph 11 of the Framework, is not engaged in this instance.
12. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan.

Conclusion

13. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR

¹ Housing Delivery Test 2020 – Published 19 January 2021