



Appeal Decision

Site Visit made on 10 August 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/R3705/W/21/3275610

125 Tamworth Road, Wood End CV9 2QQ

- 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 Marcus Rubensaat against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0117, dated 3 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is new two bed detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header above is taken from the application form. Part E of the appeal form states the description of development has not changed but a different wording has been entered. None of the main parties have confirmed that a revision has been agreed and so I have used the description from the original application.
3. Consultation has been carried out on proposed modifications to an emerging North Warwickshire Local Plan. However, no information has been provided on any outstanding objections to the plan's policies. As such, I am uncertain these will be adopted in the form provided to me and so they attract limited weight in my assessment. The main parties have been invited to submit comments on the revised National Planning Policy Framework, but none have been received.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) whether it would provide acceptable living conditions in terms of privacy, outlook and the quality of outdoor space.

Reasons

Character and appearance

5. The appeal property (No 125) lies in a line of dwellings that face onto the road with back gardens that border onto a field behind. While the nearby properties vary in design and their proximity to the road, there is a degree of consistency in terms of the linear layout of the houses.
6. The proposed bungalow would be towards the back of the plot and away from the highway. As such, it would be markedly at odds with No 125 and the other nearby properties that are close to the road. The position of the bungalow

- would not be comparable to houses further along Tamworth Road which are set back behind long front gardens but still face directly onto the street. Other buildings in the vicinity that lie behind dwellings appear to be small scale ancillary structures rather than residences. As such, the position of the proposal would be at odds with the general pattern of development.
7. In addition, the bungalow would be very close to the rear boundary of the site. This would be unusual as the surrounding houses are set away from the field and have reasonably long back gardens. Consequently, the proposal would appear cramped in comparison to nearby properties, particularly as it would also be close to the boundary with 123a Tamworth Road (No 123a).
 8. As a single storey building set back in its plot, the bungalow would not be prominent in the street scene. Nonetheless, there could be views of its roof from the pavement along the access drive and over the gates. Also, it would be clearly seen from adjoining properties. Therefore, its incongruity in terms of the position behind the building line and close to the site boundaries would have a noticeable effect on the character and visual qualities of the area.
 9. The design of the bungalow would be appropriate as there is a mix of local property styles. However, acceptability in this respect does not address or override the incompatible aspects of the scheme identified above.
 10. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with saved policy ENV12 of the North Warwickshire Local Plan 2006 and policy NW12 of the North Warwickshire Core Strategy 2014 (CS). These aim, amongst other things, to ensure development harmonises with its surroundings.

Living conditions

11. The front windows of the proposed bungalow would serve a bedroom and a kitchen. As I saw on my visit, the first floor rear windows of No 125 would allow clear views from close proximity over the boundary fence and into these windows. Trees on the boundary currently prevent views onto the site from first floor windows at No 123a. However, these cannot be relied upon in the long term to prevent overlooking.
12. The kitchen would be served by another window in the side elevation and so to maintain privacy to this room the front window could reasonably be obscured glazed or covered. However, the bedroom would only be served by the front window. Due to the overlooking from No 125's rear windows and potentially from No 123a, this room would not have an acceptable level of privacy.
13. The windows in the rear of the bungalow would serve a bedroom and lounge and would be close to the boundary with the field to the rear. Currently, there is a gap in the nearby bushes that would allow views out of the rear windows onto the field. The proposed 1.2 m high boundary fence would not unacceptably curtail the outlook from these windows.
14. However, there is no indication that the field is owned by the appellant. The outlook from the rear windows would be significantly obstructed if the vegetation on the field edge is allowed to grow or new taller boundary features are introduced by the adjacent landowner. The lounge would have patio doors in the side elevation which would provide an alternative outlook to that room. However, the rear window would be the only one serving the bedroom. Given

its proximity to the boundary, the outlook from this window could become deficient through actions by others and outside the control of the bungalow's occupants.

15. The proposed outdoor space would be modest in size but it would allow for limited external storage, drying of clothes and private sitting out and recreation. It would be narrow compared to nearby houses but its shape would not significantly limit its useability. As such, I find the proposal would be provided with an adequate outdoor area.
16. However, for the reasons set out above, I conclude the proposal would not provide acceptable living conditions in terms of privacy and outlook. In these regards, it would not accord with CS policy NW10 and the Framework, which amongst other things, seek high standards of residential amenity.

Other Matters and Conclusion

17. The appellant identifies no specific benefits of the proposal, although it would add to the housing stock and provide construction employment. Future residents would support local and reasonably accessible facilities and businesses. However, these benefits are limited given the scheme would provide a single additional unit.
18. The harm identified in respect of the main issues means the proposal would be contrary to the development plan policies when read as a whole. The benefits of the scheme are of insufficient weight to justify a grant of planning permission contrary to the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR