



Appeal Decision

Site Visit made on 9 November 2021 by G Sibley MPLAN MRTPI

Decision by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/W3710/W/21/3280480

5 Portia Close, Nuneaton CV11 6NY

- 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 Matthew Collins against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 037868, dated 14 March 2021, was refused by notice dated 11 June 2021.
 - The development proposed is erection of single storey residential annexe with bedroom in roof space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the interest of clarity, I have taken the description of development from the decision notice which was also replicated on the appeal form as this more accurately describes the proposal than that given on the application form.
4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been had a further opportunity to make submissions in respect of the revised publication in their Statements of Case. Any comments received have been addressed in this decision.

Main Issues

5. The main issues in this case are:
 - the effect of the proposed development upon the appearance and development character of the local area; and
 - whether the personal circumstances of the appellant outweigh any harm in respect of the development.

Reasons for the Recommendation

Appearance and development character

6. The site is located between two rows of terrace dwellings that have been built at a 90-degree angle to each other. The two storey terrace dwellings are similar in appearance, constructed from yellow bricks with bay windows and Georgian style frame surrounding the front doors.
7. Within the wider area the dwellings vary in scale and appearance, but the proposed single storey annexe would be located centrally between two rows of very similarly designed dwellings. The scale of the proposal would be subservient to the host dwelling but because it would be located between the two rows of other properties, it would not be read as an annexe but rather as a separate detached dwelling. Whilst elements of the proposed annexe would be sympathetically designed, the scale and siting of the annexe would fail to respect the pattern of development established by the two terraces. Whilst the building line of the two terraces is staggered, the siting of the proposed annexe at an angle between the two rows of dwellings would give the impression that the building had been shoehorned into the available space. This would give the annexe a contrived appearance within the street scene. As a result, the scale and appearance of the annexe would appear discordant within the street scene.
8. The Portia Close development is located within a relatively secluded location within the wider estate, due to the trees and landscaping in front of the road. Nevertheless, when viewed as part of Portia Close, the proposed single storey annexe located between the two rows of two storey dwellings would appear prominent within this pattern of development.
9. This prominent location combined with the discordant appearance of the proposed annexe would cause harm to the appearance and development character of the local area. Consequently, the proposal would conflict with Policy BE3 of Nuneaton & Bedworth Borough Plan 2011-2031 (adopted 2019) as well as the advice contained within the Sustainable Design and Construction Supplementary Planning Document (adopted 2020) which combined expects designs to have regard to the urban characteristics of the locality, adding to the distinctiveness and should be in sympathy with the locality.

Personal circumstances

10. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability is a relevant protected characteristic to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home and is engaged in this case. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
11. The proposed annexe would create a more adaptable living arrangement for the appellant's father near to where the appellant lives. I recognise the paramount importance of this as a primary consideration, given the circumstances related to the appellants father's health concerns that could address their needs now and, in the future. The proposal would enable to

appellants father to continue to live near to his family and receive care which is a consideration that weighs in favour of the proposal.

12. Whilst I note the evolving needs of the appellant's father, there is insufficient evidence considering how else the property could potentially be extended or reconfigured to achieve his needs. There is also no substantive evidence to confirm whether there are insufficient properties available locally that could meet the ongoing needs of the appellant's father. These matters weigh against the proposal.
13. There would be modest economic benefits derived during the construction of the extension and there would be no harm caused to the living conditions of the neighbouring occupiers, but this matter carries neutral weight.
14. If planning permission were to be refused, the appellant's father would continue to live in a separate property some distance away which would not be ideal for his evolving health concerns. There would be no certainty about the future, and this would represent an interference with his home life and property. However, there is insufficient evidence in respect of alternative schemes or dwellings to consider that the factors which weigh in favour of the appeal scheme outweigh the significant harm that would be caused by the development to the character and appearance of the area. Having regard to the legitimate and well-established planning policy aims insofar as they relate to character and appearance, a refusal of permission would be proportionate and necessary. It would not unacceptably violate the family's rights under Articles 1 and 8.

Other Matters

15. The appellant has referenced a number of applications approved by the Council for single dwellings. The Officer's reports and plans associated with these cases were not submitted with the appeal, so I am unaware of the circumstances which led to those applications being approved. Each case must be assessed on their own merits and the Council approving development elsewhere would not justify this proposal.

Conclusion and Recommendation

16. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, the proposal would not accord with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree and shall dismiss the appeal.

B J Sims

INSPECTOR