



Appeal Decision

Site visit made on 22 February 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 11 March 2022

Appeal Ref: APP/T3725/W/21/3285864

Vacant site to the rear of 47 Lakin Rd, Paradise Street, Warwick, Warwickshire CV34 5BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Harry Jones against the decision of Warwick District Council.
 - The application Ref W/20/1670, dated 18 September 2020, was refused by notice dated 29 April 2021.
 - The development proposed is erection of small, detached dwelling and associated external works
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. Siting, layout, elevation design and access has been shown on indicative plans. I have determined the appeal on this basis.

Main Issue

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; -
 - The effect of the proposed development on the living conditions of the neighbours, regarding the size of the private garden space as well as overbearing and outlook from 45 and 47 Lakin Road and privacy to 41 Lakin Road; - and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The site is to the rear of 47 Lakin Road and adjoins Paradise Street. The appeal site was part of the former gardens of 43-47 Lakin Road but has been separated from these properties with a fence.
5. The appeal plot relates closely to the adjacent properties on Paradise Street, which is mostly terraced period properties on the one side. On this side of Paradise Street, the dwellings are all fairly uniform in appearance, set back behind a small front garden, with long rear private gardens, bay windows and

pitched roofs, finished in red brick with slate roof tiles. The consistent building line and plot layout together with coherent design features and materials provides a pleasant character and uniformity. In addition, there is notable space between the back of Lakin Road and 1 Paradise Street providing visual relief from the built form, adding value to the character and appearance of the area. The appeal site and street scene are appreciable from wider vantage points at the junction with Lakin Road.

6. The proposed development is in outline, with all matters reserved. However, the position of the dwelling would introduce a detached dwelling next to 1 Paradise Street, with a similar orientation, scale and height.
7. The proposed dwelling would be one of the only detached dwellings in this area. Furthermore, the size and orientation of the dwelling would produce a plot with a greater horizontal emphasis and a shallower depth than is present within this context. As such, although the dwelling would have a broadly similar scale, height and design to the nearby terrace, the plot size and layout would fail to respect the established pattern of development. Furthermore, the spacing, which provides visual relief between Lakin Road and Paradise Street would be diminished by the introduction of the two-storey dwelling at this location. The harm would be exacerbated by the prominence of the proposed dwelling from localised views, resulting in a discordant feature within the street scene. Accordingly, in this context, the proposed development would appear cramped and contrived, at odds with the established pattern of development and damaging the character and appearance of the area.
8. I acknowledge that the proposal is in outline and some matters can be dealt with via planning conditions or an amended reserved matters design. However, in view of the size of the plot and the constraints of the site, the character and appearance issues set out would be fundamental to this scheme being considered acceptable in principle.
9. I, therefore, conclude that the proposed development would have a damaging effect to the character and appearance of the area. Consequently, the proposed development is contrary to Policies H1 and BE1 of the Warwick District Local Plan 2017 (LP), which require new housing development on garden land to reinforce and harmonise with the established character of the street and positively contribute to the character and quality of the environment through good layout and design.

Living Conditions

10. The level of separation between the properties on Lakin Road and Paradise Street ensures there is an open outlook and a sense of space to the rear of No 45 and No 47 Lakin Road. No 45 and No 47 would face the side elevation and would be separated by the depth of the retained garden and the proposed driveway width. Indicative plans show the proposed side elevation with a single door at ground floor and a window at first floor serving a landing area.
11. While a level of separation would be maintained, the reduced garden length results in the proposed two storey dwelling being in close proximity to the ground floor annexes of these neighbours and their gardens. The closer proximity, together with the two-storey height would detrimentally impact upon the sense of space, unacceptably dominating the open outlook from the rear of these properties and their gardens. As such, the siting of the dwelling close to

the shared boundary, coupled with its scale and two storey height would unacceptably change the open outlook, detrimentally impacting upon the living conditions of No 45 and No 47.

12. The Council indicate that the reduced garden sizes of No 45 and No 47 would be substandard as they are below the private garden space standards set out in the Warwick District Residential Design Guide Supplementary Planning Document 2018 (SPD). However, in my judgement, the garden spaces would still be a reasonable size, commensurate to the needs of the occupants of these properties and only marginally lower than that indicated in the guidance. The space would also be flat, accessible, private and a functional shape, resulting in an adequate private space for the occupiers.
13. The Council also indicate that the proposed bedroom to the rear could not be provided with a sufficient outlook, without resulting in an unacceptable level of overlooking to the rear garden of 41 Lakin Road. The appellant has provided indicative plans that show a combined high-level window and rooflight. Although not a typical arrangement, the proposed window and rooflight would still provide the necessary light, ventilation, and outlook to the bedroom and would alleviate any unacceptably harmful overlooking to the rear garden of No 41.
14. Accordingly, although I find no harm with respect to the reduced size of the neighbours private gardens or privacy to No 41, this is a neutral effect and does not outweigh the overbearing impact of the development on the existing outlook from No 45 and No 47. Accordingly, the proposed development would be contrary to Policy BE3 of the LP and, the SPD, which seek to ensure new development does not unacceptably impact the living conditions of nearby residents.

Highway Safety

15. Although the scheme is in outline, the indicative access to the site is shown accessing Paradise Street. The plot would provide end to end parking for two cars. The side of the driveway would adjoin the neighbours rear boundary at Nos 43, 45 and 47 Lakin Road, where the existing fence is approximately 1.8m high. Lakin Road is a busy highway and Paradise Street is a side street accessed directly off it. The parking along Paradise Street is restricted to 2 hours no return and resident parking. There are also double yellow line restrictions from the junction towards the back of No 47.
16. From what I saw, Paradise Street is narrowed by the parking of cars along both sides of the road, particularly near to the proposed access to the site. I appreciate that Paradise Street is a side street and the traffic movements from a single dwelling would not be high. However, the parked cars would limit manoeuvrability on the Street, resulting in the situation where most vehicles are likely to enter the site in a forward gear and exit in reverse. In this instance, and in combination with the location of the boundary fence and parked cars, it would be very difficult to see towards Lakin Drive when reversing onto the Street. Having regard to the visibility issues, particularly when exiting, the proposed access would result in an unacceptable level of risk of vehicle conflicts to the detriment of highway safety along Paradise Street.

17. The appellant pointed out that an access could be formed without the need for planning permission¹. The submitted evidence demonstrates that an access and garage could be implemented on site without formal planning permission being needed. However, the permitted access and garage would include additional space that allows for greater manoeuvrability within the site, allowing users to enter and exit the access in a forward gear. The manoeuvrability within the site and the visibility when exiting and entering in a forward gear would result in a safer access to the one proposed in this instance. As such, although an access could be formed, in my view the fall-back position would not be as harmful to highway safety as the proposal now before me.
18. The Council cite Policy TR3 and the Parking Standards SPD in their reason for refusal. Policy TR3 sets out that development will only be permitted where it makes provision for parking and does not result in on-street car parking that would be detrimental to highway safety. Although the scheme would result in highway safety issues, this is not from additional on street parking. As such, by providing two off street parking spaces, the scheme would accord with the requirements of the Parking Standards SPD and Policy TR3 of the LP.
19. Notwithstanding the above, the proposal would result in unacceptable harm to highway safety. As such, it would fail to comply with the aims of criterion (iii) of Policy TR1 of the LP, which requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety.

Planning Balance and Conclusion

20. The appellant outlines that the proposal would be making effective use of land in urban areas and meet the need for homes in line with the Framework. I acknowledge the contribution that a new dwelling in a sustainable location would make to the local housing stock as well as the social and economic benefits from the construction of the new dwelling, in terms of additional expenditure in the local economy and the creation of construction jobs. Whilst I attribute these benefits modest weight in the overall planning balance, they do not outweigh the harm to the character and appearance of the area, the neighbours living conditions and highway safety, contrary to the Development Plan and the Framework
21. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR

¹ W/14/1721- Proposed installation of 1-metre-high close boarded timber gate and new vehicular access to the northern boundary of the application site.