



Appeal Decision

Site visit made on 2 August 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/E3715/W/22/3295089

Land to Rear of 23 Lutterworth Road, Pailton CV23 0QE

- 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 M Edwards (of MPJ Homes Ltd) against the decision of Rugby Borough Council.
 - The application Ref R21/0914, dated 25 August 2021, was refused by notice dated 3 December 2021.
 - The development proposed is demolition of existing ancillary buildings and erection of a new single storey dwelling, detached garage and associated parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would harm the character and appearance of the area.

Reasons

3. The village of Pailton broadly comprises a loose triangle based on three approach roads - Coventry Road, Rugby Road and Lutterworth Road - that converge in the centre at the triangular village green and war memorial. I saw that most buildings faced and lined each of these roads creating a linear or ribbon form of built development through the village. There was, however, some variety in the position of properties with regards to the roads, with generally older properties sited closer to the road, and later and more modern properties set back from it with front gardens and driveways. The Pailton Village Design Statement¹ describes how the set-back from the roads varies. Along Lutterworth Road buildings closer to the centre of the village were closer to the road. Moving outwards towards the appeal site dwellings were more set back from it. I also saw some spurs or short roads leading off the main roads serving a few houses, including Brookside Avenue which was a small housing estate. However, these were at odds with the prevailing linear form of development throughout the village.
4. The appeal site is located within the village boundary and comprises an overgrown parcel of land with a Nissen Hut and a number of other sheds. These ancillary buildings belonged to the previous dwelling that was demolished as part of a planning application² to erect 4 detached dwellings and

¹ Revised November 2008

² LPA ref: R20/0733

would have been sited at the 'bottom of the garden'. The approved dwellings, which I saw were under construction, are set back from the road as was the demolished dwelling, but on a similar alignment and building line with the adjacent dwellings to the east so as to maintain the linear pattern of development in the village.

5. The appeal site and the proposed detached single-storey dwelling would be accessed via the driveway that serves the 4 dwellings and their garages, and would sit to the rear of the 4 dwellings. The appeal site would effectively be what is commonly referred to as 'backland'.
6. There are a mix of house designs, including bungalows, in the village such that the actual the design of the proposed dwelling itself is not under scrutiny. However, the overall design and layout of the site and resulting location of the dwelling in relation to the road and the 4 dwellings would be at odds with the prevailing linear pattern of development in the village. This would cause harm to the character and appearance of the village and would not represent good design advocated by the National Planning Policy Framework (the 'Framework'). Such development, if allowed, would also make it harder for the Council to resist other similar housing proposals in the village.
7. The Framework encourages the efficient use of land. The existing ancillary buildings would become somewhat 'trapped' at the rear of the 4 new dwellings and the appeal site may become underused as a result. However, this does not mean that redevelopment of such land and buildings should occur at all costs. The location of the appeal site would appear to be the result of a somewhat contrived subdivision of the larger site. I saw the buildings were in poor condition and somewhat unsightly. However, such dilapidation or neglect is not justification to remove them and erect a dwelling. The buildings are largely screened by the new houses, garden fences and garages, such that their removal would see little visual enhancement to the street scene. The outbuildings could be demolished or repaired at any time.
8. The appellant argues the Council breached its own guidelines by allowing the garages to be built to the rear of the 4 dwellings and their gardens. The garages are ancillary structures associated with the dwellings and not a free-standing backland development. Hence I find the comparison misguided. Even if the outbuildings would have a combined floor area similar to the proposed dwelling, this does not justify allowing harmful development.
9. The appeal proposal would provide some economic and social benefits to the village, such as local jobs and trade during construction and future occupiers using services and facilities in the wider area. However, any benefits from a single dwelling would be very modest. The appeal scheme of one dwelling would result in a very small uplift in housing numbers, but this would be of very limited benefit when the Council is currently able to demonstrate a 5 year supply of housing land. Being single-storey, the proposed dwelling may well appeal to the elderly or those with disabilities. This would accord with Framework policy to help provide housing for different groups in the community. However, the proposed dwelling is offered as open-market housing, and no legal agreement or other mechanism has been put forward to secure the dwelling for such specific occupiers. The proposed energy efficiency measures are fairly standard to modern housing nowadays, but would nonetheless help bring some modest environmental benefits.

10. Drawing all the matters together, the proposed development would disrupt the prevailing linear or ribbon pattern of development in the village and harm its character and appearance. Accordingly the proposal would be contrary to Rugby Borough Council Local Plan Policy SDC1 (Sustainable Design) which seeks, amongst other things, to ensure new development responds to the character of the areas in which they are situated. There are no material considerations which outweigh this finding.

Conclusion

11. For the reasons given above, the appeal should not succeed.

K Stephens

INSPECTOR