



Appeal Decision

Site visit made on 20 September 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/T3725/W/22/3299924

3 Hallfields, Radford Semele, Leamington Spa CV31 1TS

- 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 Hall against the decision of Warwick District Council.
 - The application Ref W/21/0432, dated 11 February 2021, was refused by notice dated 11 February 2022.
 - The development proposed is provision of new dormer bungalow with integral garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Design and Access Statement and the appellant's statement refer to an outline application. However, this is not stated on the original application form, or the drawings submitted with the application. This reference appears to be an error, and I have considered this appeal on the basis on which the application was originally submitted.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area; b) the living conditions of the occupants of 3 Hallfields, with regards noise and disturbance, and the occupants of 30 Semele Close, with regards outlook; c) whether the proposed dwelling would have safe and suitable access; d) whether the proposal would provide sufficient parking space, and linked to this, the effect of the proposal on highway safety in the area; and e) whether the proposal would include suitable waste management arrangements.

Reasons

Character and Appearance

4. The appeal site is part of a large rear garden of a dwelling fronting Hallfields. I saw dwellings facing the road was a feature of this street, and this included recent additions at the end of the cul-de-sac. Dwellings immediately to the rear of the appeal site differ to those on Hallfields in terms of type, but they also address their respective street. Whilst building lines vary and there is a lack of uniformity in this regard, dwellings in the area generally have significant street frontages, and this distinct pattern of development strongly characterises the area.

5. The proposed dwelling would be a similar scale in height to dwellings on Hallfields, and its mass would not be at odds with that of dwellings in the wider area. However, being positioned in an existing rear garden and behind dwellings on both Hallfields and Semele Close, it would not have a significant frontage in the street. It would as a result appear a standalone development disconnected from the wider neighbourhood. In this regard it would fail to harmonise with the existing built form and the prevailing development pattern in the area.
6. This discordant feature would not be visible in the public realm, but its uncharacteristic form would be appreciable to those living in properties that surround it. From these vantage points the piecemeal development would lack cohesion with these existing properties and would consequently appear of a poor design.
7. In light of the above I find that the proposal would be harmful to the character and appearance of the area. It would in this respect be contrary to Policies H1 and BE1 of the Warwick District Local Plan (Local Plan) and advice set out in the Residential Design Guide Supplementary Planning Document (SPD). These collectively state that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design, and in respect to housing development in urban areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street. It would also be inconsistent with the National Planning Policy Framework (the Framework) which seeks well-designed places.

Living Conditions - Noise and Disturbance

8. The proposed access for the new dwelling would utilise the existing driveway which currently provides access to the garage at No 3. This existing driveway, though intended for parked vehicles, appears just wide enough for cars and small vehicles. Moreover, it is tightly bound to the east by the side elevation of No 3. This elevation provides the main entrance for that dwelling and includes side windows.
9. The proposal would result in vehicles being driven extremely close to the side elevation of No 3. Whilst vehicles can currently be parked at this location, this is within the control of the occupants of that dwelling. This would not be the case in respect to vehicles accessing the new dwelling.
10. The number of vehicles using this access would be limited given that this would be one dwelling. But it would be a family sized dwelling with parking for more than one car. The property would also likely generate additional movements with delivery vehicles. There would be nothing to restrict motorists using this access at any time. These unconstrained vehicle movements would generate noise even when motorists drive at low speed, and this could occur periodically day or night.
11. No 3 is set back from the highway and this helps reduce the noise and disturbance from motorists in the street and from the main road. I saw that No 5 has a parking area to the front, but even if its occupants were to park alongside their dwelling any noise arising would be separated from the dwelling at No 3 by the driveway at this property. Consequently, the occupants of No 3 currently enjoy a relatively peaceful environment when in their dwelling.

12. The vehicles accessing the new dwelling would not be set away from No 3. As a result of this proximity, the noise and disturbance from these vehicles would be significantly greater than the noise arising from the street and wider area. This distinctly different source of disturbance would make the dwelling a considerably less tranquil place to live.
13. Only one side window at this elevation serves a habitable room and this has a principal window at the rear of the dwelling. The main entrance could also be moved to the front of the dwelling. Be this as it may, No 3 is a modest sized dwelling and vehicles accessing the new dwelling would be extremely close to it. Even with less openings at its side elevation and with remaining windows double glazed, the unconstrained movement of vehicles would be noticeable and disturbing, and this would make the dwelling a materially less pleasant place to reside.
14. For the reasons above, I find that the proposal would have a harmful effect on the living conditions of the occupants of 3 Hallfields, with regards noise and disturbance. It would in this respect conflict with Policy BE3 of the Local Plan, Policy RS1 of the Radford Semele Neighbourhood Plan (Neighbourhood Plan) and guidance of the SPD, which collectively state, that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Living Conditions - Outlook

15. The proposed dwelling would be positioned close to the rear boundary of No 3 and 30 Semele Close. No 30 is a small single-storey terrace property with a small rear garden. Whilst surrounded by other properties and bound by a high fence, the current outlook from this small garden is predominantly of the undeveloped rear garden space of No 3 and the openness above it.
16. The proposed dwelling would be 1 ½ storeys with only its side elevation close to this boundary. However, a substantial portion of this solid side wall would be set close to and would protrude above the rear boundary. This, topped with the expanse of the side roof plane of the new dwelling, would fill the existing space along and above a considerable length of the shared boundary with No 30. Even with the slope of the roof tilted away from this share boundary, the substantial mass would appear an overwhelming and oppressive feature to occupants of that property when they look from rear windows of habitable rooms of their dwelling. This harmfully dominating mass would make these parts of this property significantly less enjoyable to use.
17. Details regarding outbuildings incidental to dwellings are limited. This aside such development would be subject to restrictions. The proposal before me comprises a large four-bedroom dwelling, that would be built almost up to the shared boundary, and its height would be significantly higher than that allowed under permitted development rights. It would be distinctly different to, and not directly comparable with outbuildings for this reason. This matter has limited weight accordingly and would not justify allowing this harmful development.
18. I therefore find that the proposal would have a harmful effect on the living conditions of the occupants of 30 Semele Close, with regards outlook. It would be contrary to Policy BE3 of the Local Plan, Policy RS1 of the Neighbourhood Plan and advice of the SPD which collectively seek to prevent unacceptable adverse impact on the amenity of nearby uses and residents.

Access

19. The width of the driveway accessing the proposed dwelling would be constrained by the dwelling at No 3. I saw that large vehicles would be able to go no further than the space where the driveway meets the carriageway. Given that the proposed built form would be set a substantial distance from this point of the highway, it would be challenging for the fire service to access the new property in the event of an emergency.
20. The new dwelling would also be substantially enclosed by existing properties. It would be remote from the highway at all aspects in this regard. Moreover, whereas many properties may have long drives, in this case the constraints outlined above would make the prospect of the fire service accessing the new dwelling in an emergency particularly awkward. These circumstances would likely impede their response time if such an event occurs.
21. The guidance in respect to emergency service access is advisory and has a degree of flexibility. However, the Council indicates that this proposal would not satisfy this guidance in any respects, and this is not disputed by the appellant. Moreover, nothing has been offered which would mitigate the difficulty that the fire service would encounter in responding to an incident at the new dwelling and to ensure that an incident could be dealt with in a timely manner. For these reasons I find the proposed access would be unsafe and unsuitable in this regard.
22. The submitted Plans show that the section of the driveway that meets the carriageway would be shared, allowing access to the new dwelling and the front of No 3. This would result in vehicles entering and exiting the front space of No 3 potentially crossing the path of vehicles leaving the new dwelling. However, this front space has an open aspect, with no boundaries between it and the proposed share driveway. Moreover, the proposed shared driveway is straight and would be of a sufficient length so that it would allow motorists at both properties visibility of other vehicles using these spaces. For this reason, I find it would provide safe access in this regard.
23. The proposal would result in other vehicles being driven extremely close to the main entrance of the No 3, and this would be distinctly different to the current pattern of use which is limited to parked vehicles. Motorists accessing the new dwelling would be encouraged to drive with caution given the narrowness of the drive. Even with this due care occupants leaving No 3 by their main door would likely come into conflict with these vehicles. This would make this main door less convenient and substantially less safe for its occupants to use. However, a condition could require the main door be repositioned to the front of No 3. This would prevent this conflict arising and in doing so would address the harm identified above.
24. Although I have found that the harm identified in respect to access to No 3 could be mitigated, this would not be the case in respect to emergency vehicles safely accessing the new dwelling. I find the proposed dwelling would not have a safe and suitable access for this reason. In this regard it would be contrary to Policy TR1 of the Local Plan which states development will only be permitted that provides safe, suitable, attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and any other users of motor vehicles as appropriate.

Parking

25. At paragraph 111 the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
26. Properties in Hallfields generally have off-street parking space, and whilst noting that I visited the site when demand for parking would be less, there did not appear to be any significant pressure on parking spaces in the area near the appeal site. The proposal would result in the loss of a single garage and part of the existing driveway would be required for shared access. However, I saw that the gravelled and grassed area at the front of No 3 could accommodate at least two vehicles.
27. This would be significantly less parking space than is currently available and would be slightly short of that advised by the Local Highways Authority. However, unlike the proposed dwelling, No 3 is not a four bedroom dwelling where three parking spaces would be expected. Furthermore, the space to the front of No 3 would not be dissimilar to the size of off-street parking spaces at some other dwellings in Hallfields, including that at the front of No 5. This off-street parking space would appear sufficient for the occupants of this modestly sized dwelling, and this is a matter which could be dealt with by condition.
28. The proposed dwelling would have a double garage and additional space to its front for parking. This combined with the spaces to the front of No 3 would ensure that the proposal would not result in unacceptable pressure to park on the street and it would not be detrimental to highway safety in the area in this respect.
29. Accordingly, I find that the proposal would provide sufficient parking space and would not have a harmful effect on highway safety in the area. It would in this regard be consistent with Policy TR3 of the Local Plan and guidance of the Warwick District Council Parking Standards SPD.

Waste Collection

30. The driveway to the proposed dwelling would be beyond the length that a waste operative should be expected to cover for the collection of bins. However, the appeal site is reasonably flat, and for this reason it would not be an unduly onerous task for future occupants of the dwelling to transfer the bins to kerbside on waste collection day, to comply with local waste collection standards.
31. The submitted plans do not show an allocated area for waste storage on site. However, there would be sufficient space on this sizeable plot, and this could be achieved by condition.
32. I am therefore satisfied in this case that the proposal could include suitable waste management arrangements and would be consistent with the advice set out in the SPD related to this matter.

Planning Balance and Other Matters

33. There is no means to ensure the dwelling would be affordable and consequently this would not be a benefit. However, the proposed dwelling would add to the

mix of housing in the area, with a family sized dwelling coming to market. This would be consistent with the Government's objective to boost the supply of homes. But one new dwelling would make a small contribution to the supply of housing in the area.

34. There would also be a small benefit of supporting the national economy in respect to the house building sector and taxation when the dwelling is sold. The local economy would also benefit in a small way with the Community Infrastructure Levy payment, the construction phase of the development and from future occupants of the dwelling paying council tax, supporting local services and adding to the vibrancy of the area.
35. The appeal site is a small windfall site, in a Growth Village, well related to local services and transport infrastructure, and this weighs in favour of the proposal. However, the definition of previously developed land in the Glossary of the Framework excludes land in built-up areas such as residential gardens, so this matter is not relevant. Moreover, the Framework states that good design is a key aspect of sustainable development. It promotes an effective use of land in meeting the need for homes, but it seeks to ensure healthy living conditions. In respect to efficient use of land, the Framework requires account is taken of the desirability of maintaining an area's prevailing character. As outlined above I have found this proposal would not achieve this and would also be harmful to neighbours' living conditions. It would not be, as a result of these factors, sustainable development, nor would it be a suitable site, for the purposes of the Framework.
36. Details regarding the Lion Inn have not been submitted. This aside I see no certainty that financial support for the Inn would be assured by allowing this proposal and so this would not be a benefit in this case.
37. Adequate parking and private garden space should be expected with all relevant development. It should also be expected that development should not harm ecology or harmfully effect privacy or light. These are neutral factors in this appeal.
38. The appeal site is part of a generously sized garden, but I saw no evidence that it was originally intended as two plots. Nor did it appear in a particularly poor state of maintenance. I attach limited weight to these matters, and they would not in themselves justify poor design or development that would cause harm to local residents.
39. Conditions could secure cycle storage, water and energy efficiencies and environmental gains. This would ensure compliance with other policies of the Local Plan that have been drawn to my attention. But these would be small benefits given the scale of the development and the proposal would still conflict with the Local Plan when read as a whole. Even when considered collectively, the limited benefits identified above would not be sufficient to outweigh the harm identified in this case.

Conclusion

40. Although I find no harm in respect to parking and waste management, I have in respect to character and appearance, the living conditions of occupants of neighbouring dwellings and access. Therefore, having regard to the

development plan taken as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR