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# Appeal Decision

Site visit made on 13 December 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3<sup>rd</sup> January 2023.**

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**Appeal Ref: APP/W3710/W/22/3303141**

**Land lying South West of Tuttle Hill, Nuneaton CV10 0JE**

- 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 M and J Biddle and A and D Cooper against the decision of Nuneaton and Bedworth Borough Council.
  - The application Ref 038179, dated 8 July 2021, was refused by notice dated 7 July 2022.
  - The development proposed is siting of 1 No. mobile home for over 50s.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellants' Statement of Case refers to the proposal as being for outline planning permission. However, the application form is clear that full planning permission is sought, and I have determined the appeal on this basis. The site has been subject to a previous appeal decision<sup>1</sup>. However, this differed from the current proposal including that it was for outline consent, for permanent permission and for a dwelling rather than a mobile home. Therefore, whilst I have had regard to this previous decision, I have reached my own conclusions on the proposal before me.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The site is within a primarily residential, suburban part of Nuneaton. The appeal site is an unused piece of land located behind bungalows and two-storey dwellings that front Tuttle Hill. Either side of the site are two-storey dwellings that face onto The Hedgerows and Queen Elizabeth Road respectively. To the rear of the site are blocks of flats that form Prince George Court.
5. The surrounding dwellings range in age, including inter-war and modern properties. They also vary in their scale, with single and two-storey units and taller blocks of flats, as well as in their detailed design. The rear and side elevations of surrounding properties form part of the street scene. Even so, dwellings locally have a strong prevailing characteristic of fronting onto the highway and being formed into linear rows.

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<sup>1</sup> APP/W3710/W/20/3265061

6. The proposal would be positioned behind 298 Tuttle Hill (No 298) and would face the rear elevations of 2 to 12 Queen Elizabeth Road. The Sustainable Design and Construction Supplementary Planning Document adopted 2020 (SPD) advises that dwellings positioned behind the public highway in a backland ('front-to-back') relationship must integrate successfully with surrounding developments. This advice is relevant to the proposal which has been designed to appear as a bungalow. The SPD also requires the proposed pattern of development to be drawn from the local context.
7. The proposal would not be particularly cramped, with a plot size that is not dissimilar to others locally. However, its position would be piecemeal, divided off and therefore isolated from the surrounding dwellings. Furthermore, it would directly face the rear elevations and gardens of dwellings opposite. As a result, its position would not integrate with its local context or be drawn from it. Instead, its position would conflict with the predominantly front-facing and linear pattern of surrounding development. As such, the proposal would appear odd and out of place.
8. The narrowness of the access road and the location of the proposal set back behind the side fence of No 298, means there would be little public view of it from Tuttle Hill itself. However, the proposal would be visible above the fence line at the turning head of The Hedgerows. Similarly, it would also be seen from Prince George Court and Elderberry Drive, as well as from the windows of dwellings and flats that overlook the site.
9. Whilst such views may not be a focal point, and despite its low height, the position and appearance of the proposal would be visible in the street scene locally and for the reasons given above would detract from it. I therefore conclude that the proposal would harm the character and appearance of the area.
10. As such, it would be contrary to Policy BE3 of the Nuneaton & Bedworth Borough Plan 2011-2031 (NBBP), adopted 2019, which requires that proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the area including patterns of development. For the same reasons it would not comply with the requirements of the SPD and with the advice of the National Planning Policy Framework (the Framework) that development creates high quality spaces that are sympathetic to local character.

### **Other Considerations**

11. The appellants propose that the accommodation would be for a temporary period of three years and restricted to the over-50s. These restrictions could be secured by means of suitable planning conditions. Even so, the harm that I identify above would exist for the time that the mobile home was positioned on site, a not inconsiderable period, and regardless of the age of the occupants. I have been given no substantive evidence of a specific need for older person's accommodation locally. Therefore, such conditions would not meet the tests of being necessary or reasonable and would not overcome or outweigh the harm caused by the proposal.
12. The appellants state that the Council has historically been unable to demonstrate a five-year supply of deliverable housing land, including the relevant buffer, required by the Framework. The Framework seeks to significantly boost the supply of housing and the proposal would add to the

housing stock. Nuneaton is the primary focus for housing in the Borough, as identified by the NBBP. The plot is vacant, urban land with access to services and facilities. Furthermore, its occupants would make a positive social and economic contribution to the area. However, these benefits would be limited because of the small size of the proposal, as a single unit of accommodation.

13. The Council maintains that it can now demonstrate a five-year housing land supply and I have no substantive evidence to dispute this. Even if such a supply could not be demonstrated, and by consequence the most important policies for determining the proposal were considered out-of-date, for the reasons given above, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
14. The proposal would not harm highway safety, the living conditions of nearby properties or the protected trees on the site. It would have adequate car parking arrangements and questions of land ownership are a civil matter rather than for me. The appellants have referred me to the Residential Design Guide 2004. Although I have not been provided with a copy, I have no reason to believe that the proposal would conflict with it. However, these matters do not alter my overall conclusions on the main issue.

### **Conclusion**

15. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*O Marigold*

INSPECTOR