



Appeal Decision

Site visit made on 10 January 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2023.

Appeal Ref: APP/W3710/W/22/3307866

61 Gadsby Street, Nuneaton, CV11 4NY

- 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 Darren Burchell against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 038425, dated 20 October 2021, was refused by notice dated 7 April 2022.
 - The development proposed is conversion of double garage into one bedroom apartment.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of double garage into one bedroom apartment at 61 Gadsby Street, Nuneaton CV11 4NY, in accordance with the terms of the application, Ref 038425, dated 20 October 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. An amended version of the proposed drawings were submitted under the appeal, which replaced a proposed bathroom with a shower room. The amendment does not materially alter the nature of the proposal or prejudice the interests of interested parties. The Council have considered the amended drawings and their appeal statement of case is based on them. Therefore, this appeal decision is made on the basis of the amended drawings.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and the surrounding area;
 - The effect of the proposed development on the living conditions of the occupants of 59 and 61 Gadsby Street, with regard to privacy, outlook and light; and
 - Whether the proposed development would provide acceptable living conditions for future occupants of the development, with regard to the provision of internal living space.

Reasons

Character and Appearance

4. The appeal site is a plot of land to the rear of 61 Gadsby Street, which is an end of terrace dwelling on the corner with Tennant Street. It contains a flat roof double garage and an area of outside space which currently serves No 61. Next to the site is another garage of similar design and dimensions, located to the rear of the corner property where Lister Street meets Tennant Street.
5. The surrounding area is predominantly residential and consists of mostly two storey terraced dwellings with on street parking. However, there is a row of semi-detached dwellings with on-site parking in the arm of Gadsby Street that runs parallel to Tennant Street. No 61 has a hipped roof, as do other corner properties, but most roofs slope down towards the street. The two dwellings opposite the site, on Tennant Street, feature gables to the front and the immediate streetscene also includes a two and three storey development with gabled frontage and a covered access to a parking area.
6. Dwellings have a mix of flat fronted windows and bay windows, some with flat roofs and some with pitched roofs and door canopies. Street facing elevations are a mix of brick, stone and smooth and roughcast render, with some straight onto the street and some set back behind small front yards. The size and location of the gaps in street frontage to the rear of corner plots is varied with some containing extensions. Taking these factors together, the area does not have a uniform appearance, nor is it particularly distinctive in terms of character or pattern of development.
7. The surrounding area is dominated by dwellings fronting onto the street and as such the existing detached garage is at odds with the dominant built form and layout. In addition, the stark metal roller shutter doors onto Tennant Street do not contribute positively to the streetscene. The scale of the proposed dwelling would be different to surrounding dwellings and the garage next to it would remain. Notwithstanding this, it would introduce a simple residential street frontage which broadly reflects the development line defined by the neighbouring property. Given that the garage currently has a negative impact on the appearance of the area and the area is not uniform or distinctive in character, the proposed dwelling would not be overly prominent or incongruous and would not have a detrimental impact on the streetscene.
8. I conclude that the proposed development would not cause harm to the character and appearance of the site and the surrounding area. Consequently, the development would comply with Policy BE3 of the Nuneaton and Bedworth Borough Plan 2019 (BP); the Sustainable Design and Construction supplementary planning document 2020 (the SPD) and paragraph 130 of the National Planning Policy Framework (the Framework). Together, these seek to ensure that development contributes to local distinctiveness and character by reflecting the positive attributes of the neighbouring area, including consideration of the pattern of development.

Living Conditions – Occupants of 59 and 61 Gadsby Street

9. Policy BE3 of the BP states that information to help developers comply with the policy are contained in the SPD. The SPD sets out that a minimum of 20 metres separation distance is required between existing and proposed habitable room windows but this may be reduced if across public viewed areas. A window would be inserted in the side elevation of the existing garage to serve the proposed living space. The distance between the proposed window and the existing windows at No 59 and 61 is less than the recommended 20 metres. However, there would be boundary treatments, single storey rear extensions, and a parking area visible from the street located between the facing windows. In addition, the proposed side window would be a secondary window serving the living space and hence privacy can be ensured through the use of obscure glazing, secured by condition.
10. The proposal would not change the footprint of the existing garage, or increase the height to the eaves, but would extend it through the addition of a pitched roof. The roof would have a shallow pitch sloping away from the rear of the dwellings at No 59 and 61 to a modest height ridge. There are no windows in the rear elevation of the single storey rear wings of No 59 and 61 which are the closest elements to the proposal. Taken together, these factors mean that the proposed development would not significantly reduce light into habitable rooms at No 59 or 61 or result in an increased sense of enclosure that would negatively impact on the outlook of occupants.
11. I conclude that the proposed development would not cause harm to the living conditions of the occupants of 59 and 61 Gadsby Street, with regard to privacy, outlook or light. Consequently, the development would comply with Policy BE3 of the BP and the SPD which, amongst other things, seek to secure development designed to a high standard, including consideration of residential amenity.

Living Conditions – Future Occupants of the Development

12. Planning Practice Guidance¹ (PPG) and the Framework² confirms that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their development plan to the nationally described space standards, and only where the need for an internal space standard can be justified. In this case, Policy BE3 of the BP states that information to help developers comply with that policy are contained in the SPD. The SPD makes reference to the nationally described space standards. For a proposal such as this, which consists of a one bedroom, one storey dwelling, with a shower not a bathroom, 37 square metres of internal floor space is the recommended minimum for a one person dwelling, increasing to 50 square metres for two people.
13. It is common ground that the internal space would be around 38 square metres. Consequently, the proposal would meet the standards, provided it was only occupied by one person, which could be secured by condition. Although it is small, the layout is simple and usable and the proposal would provide sufficient internal space to meet day to day needs.

¹ Paragraph: 018 Reference ID: 56-018-20150327

² Footnote 49 to paragraph 130

14. I conclude that the proposed development would provide acceptable living conditions for a future occupant of the development, with regard to the provision of internal living space. Consequently, subject to a condition, the development would comply with Policy BE3 of the BP and the SPD which, amongst other things, seek to secure development designed to a high standard, including consideration of residential amenity.

Other Matters

15. The Council mention the lack of landscaping. This is not a feature of the surrounding area and the site currently consists of built form and hardstanding. While the proposal may benefit from the introduction of some planting, it is not needed to make the proposal acceptable.
16. The Council statement of case notes that the proposed amenity space for the dwelling would be overlooked. This matter did not form part of the original reason for refusal. Notwithstanding this, while I acknowledge that the amenity space would be overlooked, given the context and the layout this would be no worse than the existing overlooking between adjoining dwellings and I do not consider it to be unreasonable.

Conditions

17. The Council and the appellant have both suggested conditions, which the other party has been made aware of. I have considered the suggested conditions and amended them as necessary in the interests of precision and clarity in order to comply with advice in the PPG.
18. A condition specifying the approved plans is necessary to provide certainty. In the interests of the character and appearance of the site and surrounding area, conditions are necessary to ensure the use of appropriate materials in the external surfaces of the development and in boundary treatments. A condition to secure the obscure glazing of the side window is necessary to ensure privacy for neighbouring occupants and the occupants of the development.
19. The site is in a quiet side street in an area where most parking is on-street. It is unlikely that the garage is currently used on a regular basis to park vehicles so the proposal does not result in a loss of parking provision. A small one person dwelling would not add much to parking demand. Consequently, I do not consider it to be either reasonable or necessary to impose suggested conditions that require the provision of on-site parking and visibility splays prior to the dwelling being occupied. However, if on-site parking is to be provided it needs to be done so in a way that ensures highway safety is maintained, so I have imposed a condition to ensure suitable surfacing, drainage and levels. Requirements related to a vehicle crossover of the public footway are not for me to condition under the provisions of a Section 78 planning appeal and are covered by other legislation not under my remit.
20. The space standards are set out under the SPD, which provides guidance on how developers can comply with Policy BE3 of the BP. To ensure that the internal space standards are met and hence Policy BE3 is complied with, the dwelling can only be occupied by one person. Therefore, in this case, it is both necessary and reasonable to restrict occupancy to only one person. I have been presented with no information which would lead me to conclude that for a small single person dwelling, such a condition would not be enforceable.

Conclusion

21. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings – Site plan ref 21 29 02 and Proposed plan and elevations ref 21 29 04D.
- 3) No development above slab level shall take place until a schedule of materials and finishes to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 4) Notwithstanding the approved plans, prior to their use in the development, full details of the boundary treatments, including new walls and fences, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be implemented before the dwelling is occupied and retained thereafter in accordance with the approved details.
- 5) Notwithstanding the approved plans, prior to the use of the site to park vehicles, full details of the surfacing, drainage and levels of the access and parking area shall be submitted to and approved in writing by the Local Planning Authority. The access and parking area shall be implemented in accordance with the approved details prior to use of the access and parking area and retained as such thereafter.
- 6) The windows in the side elevation facing the rear of 59 and 61 Gadsby Street, shall be fitted and subsequently maintained in obscure glazing (level 5) and shall remain as such for the lifetime of the development. No window or opening shall be provided other than those shown in the approved drawings.
- 7) The dwelling hereby permitted shall be occupied by no more than one person at any one time.

*****End of Conditions*****