



Appeal Decision

Site visit made on 28 June 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/T3725/W/23/3316804

3 Lewis Road, Radford Semele, Warwickshire CV31 1UB

- 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 Ms Clare Woodhead against the decision of Warwick District Council.
 - The application Ref W/22/1393, dated 23 August 2022, was refused by notice dated 9 December 2022.
 - The development proposed is erection of 1 no. bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for proposed erection of 1 no. bungalow, at 3 Lewis Road, Radford Semele, Warwickshire CV31 1UB in accordance with the terms of the application, reference W/22/1393, dated 23 August 2022, subject to the conditions in the Schedule to this decision below.

Preliminary Matters

2. The application site red line has been drawn tightly around the site. It does not include land required for access to the site from a public highway. However, the access drive from the highway and the existing dwelling at 3 Lewis Road (No 3) is within land edged blue which I understand is within the ownership of the appellant's mother. I have no reason to doubt that use of the access would be made available to serve the proposal and I have dealt with the appeal on this basis.
3. I have used the description of the proposal as set out in the Council's Decision Notice, which is more concise than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties have been prejudiced by my using this description.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether the proposal would have adequate access for emergency services, and
 - whether adequate provision would be made for waste and recycling collections.

Reasons

Character and Appearance

5. The site is within Radford Semele, a predominantly residential area which is identified as a Growth Village in the Warwick District Local Plan (WDLP), adopted September 2017. Most dwellings on Lewis Road face towards the public highway in a linear arrangement. However, the degree of setback from the road varies, and some dwellings are positioned deep into their plot. As such, there is no consistent building line.
6. The site itself consists of garden land in front of No 3, a detached two-storey dwelling. Both the appeal site and No 3 are located behind the long rear gardens of a row of terraces which face onto Lewis Road. There are other properties around the site, facing towards their respective roads of Lewis Road, Southam Road and Overtons Close. As a result, the site is largely surrounded by dwellings and their gardens.
7. The proposal seeks to erect a single storey dwelling with an orientation that would be broadly perpendicular to Lewis Road. It would be located behind the existing terraces and accessed from a driveway to the side of them. As such, the position of the proposal would be different from the linear, front-facing arrangement of most other dwellings nearby.
8. However, the established dwelling at No 3 itself is positioned deeper into the site than the proposal and so also has something of a backland location. In addition, it has an angled orientation that does not directly face towards Lewis Road. There are other bungalows nearby, for example opposite the site entrance. As such, when viewed in this context, the proposal would not appear particularly out-of-place.
9. The proposal would fill an existing gap in the built form of the village and would face onto its access driveway. As such, its position and orientation would result in a layout and design that would not be inharmonious with or disconnected from its surroundings. Moreover, little of the proposal would be visible from public locations, such as Lewis Road, because of the screening effect of existing buildings and vegetation.
10. For these reasons, the proposal would have a neutral effect on the character and appearance of the area. It would therefore comply with WDLP policies H1 and BE1, which require that the proposal harmonises with the established character of the settlement and respects surrounding buildings. It would also comply with the similar requirements of the Council's Residential Design Guide Supplementary Planning Document (SPD), adopted May 2018, and with the aim of the National Planning Policy Framework for good design that is sympathetic to its surroundings.

Access for Emergency Services

11. Access to the site would be achieved using the existing driveway serving No 3. This is only wide enough for one vehicle. Tracking information provided by the appellant identifies that it is wide enough for an emergency vehicle (for example a fire engine) to access the site from Lewis Road using the driveway. However, it could only leave the site in forward gear by using part of the retained garden area of No 3 itself to turn. This area is outside of the

application site and so may not be available to occupiers of the proposal in the future.

12. I am told that the length of the access driveway exceeds the maximum distance of 20 metres that emergency vehicles should have to reverse to access the property. However, I have not been provided with any planning policy or evidence to justify this figure or its relevance. Any requirements for access under the Building Regulations are a matter for control under that regime, rather than the planning system.
13. Even if land within No 3's garden was not available, as a single dwelling, the need for access to the proposal by emergency services is likely to be very rare. Nor is it uncommon for those services to have to access, respond to and leave sites using constrained or lengthy routes and to act accordingly. I note that the Highway Authority did not object to the proposal, and no adverse comments from the emergency services are before me. As such, the effects of the proposal on highway safety or on the emergency services would not be unduly harmful.
14. Therefore, for the reasons given above, I have no reason relevant to planning to believe that the proposal would not provide adequate access for emergency services. It would therefore accord with WDL Policy TR1, which requires safe and suitable access routes including for emergency vehicles.

Waste and Recycling Collections

15. The SPD provides general guidance on the Council's standards for waste and recycling provision. It requires¹ that containers for waste should not have to be moved more than 15 metres from storage to collection points. It also states² that waste should not need to be carried more than 30 metres from an external door to the point of storage.
16. Assuming that waste would be kept within or close to the proposed dwelling until collection, its distance to the roadside would be greater than the distance referred to. The appellant has suggested converting an existing outbuilding for waste storage, but its position would exceed the maximum distance for collectors. The proposal would therefore conflict with the SPD.
17. However, No 3 is already served by the access drive and its occupiers have to move their waste to the roadside for a longer distance than would future occupiers of the proposal. The driveway is paved and is not excessively steep. I saw that there is space at the verge of the access drive, immediately adjacent to the roadside, to accommodate waste storage on collection day. Use of this space would mean that a refuse vehicle would not need to enter or leave the site, thus avoiding any highway safety effects of use of the driveway by such vehicles.
18. Therefore, despite roadside waste collection being further from the dwelling than the distance sought by the SPD, I consider that it would not be unusual or unduly inconvenient for occupiers or collectors. For the reasons given above, despite some conflict with the SPD, the proposal would make adequate provision for waste and recycling collections. It would therefore accord with the

¹ At paragraph 5.3.1

² At paragraph 5.2.1

requirement in WDL Policy BE1 for sufficient provision for the kerbside collection of waste.

Other Matters

19. Residents have raised concerns about the effects of the proposal on the living conditions of nearby properties, including in terms of privacy. However, the proposal would be a sufficient distance from nearby properties to avoid any undue loss of privacy or other harmful effects to their occupiers. I have little evidence to suggest that the proposal would adversely affect water supplies or pressure. Although the Council's Ecologist initially objected to the proposal, there are no trees or hedges on the site, and the proposals include a hedgerow. A planning condition can be used to secure ecological benefits.

Conditions

20. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. As well as the standard time limit for commencement, a condition requiring adherence to the approved plans is necessary for certainty.
21. The site has potential for archaeological remains, and a condition is therefore necessary to ensure that the recording of any such remains is undertaken. This involves work before or during construction and so a pre-commencement condition is necessary. To mitigate and adapt to climate change, including reducing carbon use, a condition is necessary to ensure the submission, approval and implementation of a Sustainability Statement. Such measures may affect the early stages of construction and so a pre-commencement condition is necessary.
22. A condition requiring details of ecological enhancements is also necessary, in the interests of ensuring a net biodiversity gain. However, I see no reason why this cannot be provided prior to occupation of the proposal rather than before its commencement. Details of external facing materials are necessary in the interests of the character and appearance of the area. However, I see no particular need for samples to be provided. Details of water efficiency measures and an electric charging point are necessary in the interests of efficient use of natural resources and to improve air quality.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed.

O Marigold

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 approved plans: 22118-001B, 22118-002C, 22118-003E.
- 3) No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken.

c) A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority.

d) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

- 4) Notwithstanding details contained within the approved documents, the development hereby permitted shall not commence until a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures has been submitted to and approved in writing by the Local Planning Authority. The document shall include:

a) How the development will reduce carbon emissions and utilise renewable energy

b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures

c) Details of the building envelope (including U/R values and air tightness)

d) How the proposed materials respond in terms of embodied carbon

e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised

f) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.

The dwelling shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the manufacturer's specifications.

- 5) The development hereby permitted shall not be occupied until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include

details of planting and maintenance of all new planting, all species used, and sourcing of plants. The scheme should also include details of habitat enhancement/creation measures and management, to include installation timescale, location and type of all features and proposed long term management. Such approved measures shall thereafter be implemented in full before the dwelling hereby approved is occupied and be maintained in perpetuity.

- 6) No development shall be carried out above slab level unless and until details of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 7) The development hereby permitted shall not be occupied until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household will be achieved has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the manufacturer's specifications.
- 8) The development hereby permitted shall not be occupied until one 16amp (minimum) electric vehicle recharging point has been installed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA before first occupation of the development:
 - a) Plans or photographs showing the location of the electric vehicle recharging point(s)
 - b) A technical data sheet for the electric vehicle recharging point infrastructure and
 - c) Confirmation of the charging speed in kWh.

Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way, unless being upgraded.

End of Conditions