



Appeal Decision

Site visit made on 6 September 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06.11.2023

Appeal Ref: APP/R3705/W/23/3316942

68 Dordon Road, Dordon B78 1QN

- 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 Ian Brown against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0551, dated 22 September 2021, was refused by notice dated 20 September 2022.
 - The development proposed is demolition of existing house, construction of 4 no. dwellings, garage, associated parking and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring properties and whether the proposal would provide acceptable living conditions for future occupiers with particular reference to privacy, outlook, noise and disturbance.

Reasons

Character and appearance

3. The appeal site is within a primarily residential area and is the last dwelling on Dordon Road before it turns into Whitehouse Road. Both of these streets are characterised by a variety of house types although the property at the appeal site is one of a group of bungalows on the east side of these roads. Although there is variety in the form of buildings in the area, plot widths are relatively consistent as is the position of buildings in relation to the road, behind front gardens or driveways, resulting in a linear pattern of development. This gives the area a degree of regularity which forms part of its character.
4. The appeal site is anomalous in this context in that it is larger than others in the area. It has a very wide frontage and a large front garden with the existing building set further back into the plot than most of the nearby dwellings. The site, in common with the adjoining plots, slopes down to the rear, meaning that houses of St Leonards View are at a lower level than the properties of Dordon Road and Whitehouse Road and are not widely visible from these streets in the vicinity of the appeal site. This, combined with the undeveloped nature of the

generous gardens adds to the attractive, spacious character of the area which is enhanced by highway verges and mature garden planting.

5. The proposal involves the replacement of the existing property with two dwellings fronting Dordon Road (plots 1 and 2) and two towards the rear of the site (plots 3 and 4) which would be accessed via a new driveway leading between plot 2 and 90 Whitehouse Road. Due to the topography of the site plots 3 and 4 would be lower than road level, however they would be clearly visible from Dordon Road through the gap between plots 1 and 2 and from the access point. The positioning of plots 3 and 4, deep into the site would result in a visual incursion into the existing swathe of garden land thereby eroding the spacious character of the area. The formation of a cul-de-sac would be at odds with the prevailing pattern of development, which is characterised by the regular, frontage development which exists in the area and would result in an incongruous appearance when viewed from the street.
6. The depth of the plots and consequently the size of the gardens, would be smaller than those of other properties in the vicinity and therefore the proposal would fail to respect the grain of the area. Furthermore, the span of the proposed properties would exceed those of others nearby and due to the tapering nature of the site, plots 3 and 4 would appear cramped in this context. This would be exacerbated by their large roofs and dormer windows which would add to their bulk and would harmfully erode the existing spacious character of the area.
7. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policies LP1 and LP30 of the North Warwickshire Local Plan 2021 (LP) and paragraph 130 of the National Planning Policy Framework (the Framework) which seek to ensure that development proposals demonstrate a high quality of design, and respect and reflect the existing pattern, character and appearance of their setting.

Living conditions

8. Due to the topography of the site, plots 3 and 4 are lower than the adjacent properties at 66 Dordon Road and 90 Whitehouse Road (No. 66 and No. 90). The front dormer bedroom windows of the proposed dwellings on plots 3 and 4 would have oblique views toward the rear of these properties. Due to the relatively short distance from these windows to the rear of the existing properties, including windows to habitable rooms and raised decking areas, this would result in overlooking and a consequential loss of privacy to the rear gardens of these dwellings.
9. Overlooking would also occur from windows on the rear elevations of Nos. 66 and 90 to the bedrooms of plots 3 and 4, therefore resulting in a lack of privacy for future occupiers of these dwellings.
10. The positions of plots 3 and 4 in relation to No. 66 and No. 90 respectively, are very close to the boundary. This proximity, combined with the bulk of the proposed houses and their placement some way back into the plot, would have an overbearing impact upon the gardens of these properties. The result would be a detrimental impact on the outlook from the rear gardens of Nos. 66 and 90.

11. Furthermore, the proposed vehicular driveway would be in close proximity to the side elevation of No. 90 with a turning area adjacent to No. 66. This access road would serve 3 dwellings and therefore would be frequently used. The introduction of vehicular movements where there are currently none, adjacent to side facing windows in the case of 90 Whitehouse Road, and to private rear amenity areas in the case of both neighbouring properties, would result in noise and disturbance to the occupiers of these properties. Activity associated with use of the access, arising from headlights, car radios and exhaust fumes, which could occur at any time of the day or night, would cause harm to the living conditions of the occupiers of both No. 90 and No. 66.
12. The properties to the rear which front onto St Leonards View are on lower ground than the appeal site. The rear of both plots 3 and 4, at first floor level would contain a window serving a bathroom within the rear gable and a rooflight to a bedroom. Given that these would both be at a high level within the room they serve I am satisfied that limited overlooking towards the rear of properties at St Leonards View and their gardens would occur. Were I minded to allow the appeal, conditions could be imposed to ensure the rooflights were positioned so as to avoid overlooking from the rear bedroom windows of plots 3 and 4.
13. Whilst the gardens of the proposed development are smaller than is typical in the area, they are not so small that they could not provide adequate space for future occupiers to sit out, play and dry clothes. Therefore, the proposal makes sufficient garden space provision. The access drive would be very close to the side elevation of plot 2 which would contain windows to habitable rooms and no boundary treatment is proposed. The noise and disturbance associated with the use of the drive in such close proximity would create an unsatisfactory living environment for future occupiers.
14. Overall, I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of neighbouring properties and would fail to provide acceptable living conditions for future occupiers with particular reference to privacy, outlook, noise and disturbance. It would therefore conflict with Policy LP29 of the LP and paragraph 130 of the Framework which collectively seek to ensure that developments achieve a high standard of amenity for existing and future users and avoid unacceptable impacts upon neighbouring amenities.

Other Matters

15. My attention has been drawn to several other examples of developments which the appellant considers have the same characteristics as the appeal scheme. The Drayton Court development is a linear cul-de-sac perpendicular to the street, however there are other groups of houses in a similar backland position in the vicinity. As such the character of the surrounding area differs to that of the appeal site. The Fairfield's Hill development comprises houses grouped around an access road. There are other roads leading off Fairfield's Hill and other dwellings behind the frontage development in the vicinity. Therefore, the proposal would not be at odds with the prevailing pattern of development, as is the case with the appeal proposal. The Dunns Lane developments are both cul-de-sacs leading off the Lane. However, there is less consistency in the layout of development in the vicinity, compared with the area surrounding the appeal site with several buildings set back from the road frontage nearby.

16. Therefore, based on the details provided, none of the other sites referred to were in an area with such a degree of consistency of layout surrounding the appeal site and with the same lack of development behind the frontage. Therefore, I see limited parallels between the schemes referred to and the appeal scheme.
17. The proposal would provide additional dwellings in a reasonably accessible location and whilst the Council can demonstrate a 5 year housing land supply, the Framework aims to significantly boost the supply of homes. Given the modest scale of the development I attach moderate weight to this benefit. However, I attach significant weight to the conflict with the LP and the Framework with reference to character and appearance and living conditions of neighbouring and future occupiers.

Conclusion

18. I conclude that the proposals conflict with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR