



Appeal Decision

Site visit made on 11 December 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/E3715/W/23/3326203

Land Adjacent 2 Crown Inn, Main Street, Rugby CV21 1HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Punch Partnership Limited against the decision of Rugby Borough Council.
 - The application Ref R23/0078, dated 16 January 2023, was refused by notice dated 20 July 2023.
 - The development proposed is erection of 2 3 bed dwellings (use C3) on land adjacent to the public house accessed from Main Street with associated parking and landscaping including reconfiguration of beer garden and car park.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is against the failure of the Council to determine the planning application within the prescribed period. I have been provided with a decision notice and officer report that sets out their reasons for refusal following a decision made by the Planning Committee prior to the Council receiving confirmation that the appeal had been validated.

Main Issues

3. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of existing and new occupants with regards light, outlook and noise.
 - The effect on parking.

Reasons

Character and Appearance

4. The appeal site is a large detached 2 storey public house with single storey extension. There is a beer garden to the rear and a car park to the side. Located on a prominent corner plot at a busy crossroads where 4 roads meet, surrounding uses include residential and retail. The public house is set back

from the road. This along with the grass verges and open car park creates an open spacious character.

5. There would be gaps between the proposed dwellings, the pub and nearest neighbouring dwelling. However, the proposed development would lead to a reduction in the openness of the land that surrounds the pub, having an enclosing effect which would lead to the loss of the spacious character of the area. The retention of the grass verge and proposed tree planting would do little to ameliorate the harm. The development would harm the character and appearance of the area. As such it would conflict with the part of Policy SDC1 of the Rugby Local Plan 2011-2031 (Local Plan) which requires new development to respond to the character of the area and add to the overall quality of the area.

Living Conditions

6. The proposed dwellings would sit on higher ground than the neighbouring dwelling West House. The side elevation of one of the dwellings would also sit close to the boundary of the property. Even if, as the appellant says, there would still be acceptable levels of light serving West House there would still be a reduction in the levels currently experienced given the open outlook. In any event, the blank elevation with small obscure glazed window close to the boundary would lead to a loss of the open aspect currently experienced by West House. This would create an overbearing and oppressive outlook for the occupants of this property. Whilst the window does not serve a habitable room it can expect to be passed frequently and thus harming the living conditions of the occupants.
7. The proposed dwellings would be located in close proximity to the Crown Inn. The pub regularly opens late into the evening and the beer garden can be expected to be well used, particularly during clement weather. The noise study undertaken demonstrated that acceptable levels of noise were exceeded during the assessment and there is little before me to substantiate the appellant's claim that such occurrences were unusual exceptions.
8. The noise assessment identified that the future residents could expect a reasonable standard of living subject to the implementation of mitigation measures. The mitigation measures proposed include keeping windows closed during noisy periods and installing a ventilation system. Even if noise levels are not expected to be for long periods, I do not consider this requirement to be acceptable. Irrespective of whether there have been any complaints from other existing residential properties regarding noise, I am of the view that the development would harm the living conditions of future occupants with regards noise. I take this view cognisant of the position taken by the Council's Environmental Health Officer and note that whilst they removed their objection they still maintained significant concerns.
9. The appellant says the development would achieve adequate back to back separation between the existing and proposed development. Be that as it may, this does not outweigh the harm I have identified to West House and to the future occupants of the development.
10. The development would harm the living conditions of the neighbouring occupants with regards light, outlook and noise. It would therefore conflict with the part of Policy SDC1 of the Local Plan which requires proposals to ensure the

living conditions of existing and future neighbouring occupiers are safeguarded and does not permit development near to or adjacent sites where there is potential for conflict with other uses.

Parking Provision

11. The site currently accommodates 18 parking spaces which would be reduced to 11 as a result of the development. The Parking Survey demonstrated that the maximum parking demand during the 72 hour period that was assessed was 15 spaces. Whilst it did not exceed existing capacity, at times it was greater than that provided under the scheme. The appellant accepts that there would be times when the reduction in car parking may lead to overspill onto the highway network. Although the parking stress survey identified that there were spaces available on the road nearest to the pub, off site parking immediately adjacent to the busy crossroads would cause obstructions and restrict 2 way flow and impact visibility splays having an unacceptable detrimental impact on highway safety.
12. The development would consequently conflict with Policy D2 of the Local Plan which amongst other things identifies that planning permission will only be granted for development where adequate and satisfactory parking facilities are provided.

Other Matters

13. The appellant has referenced other appeals in support of their case. However, I have insufficient information to enable me to draw meaningful comparisons with the case before me. In any event, each case is determined on its own merits and that is what I have done.

Conclusion

14. The development would be located in a sustainable location within Rugby Town. However, for the reasons identified and taking into account all other matters I conclude that the appeal should be dismissed.

K Ford

INSPECTOR