



Appeal Decision

Site visit made on 24 January 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/W3710/W/23/3326895

Land adjacent 2 Lancing Road, Bulkington, Bedworth CV12 9QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Fletcher against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 039560, dated 12 April 2023, was refused by notice dated 7 June 2023.
 - The development proposed was originally described as "Demolition of existing and erection of single storey dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved, except access and layout. Appearance, scale and landscaping would be the subject of separate 'reserved matters' applications should outline planning permission be granted. Consequently, the street scene plan showing a bungalow is illustrative, and I have considered it on that basis. Nonetheless, it provides a useful guide as to what the development might look like and broadly coincides with what the appellant describes.
3. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision and any new paragraph numbering.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect of the proposal on the living conditions of future occupiers with particular regard to overlooking and outlook, and
 - The effect of the proposed development on highway safety with regard to visibility and parking.

Reasons

Character and appearance

5. The appeal site comprises an overgrown parcel of land with a single garage, on what once formed the rear garden of 2 Lancing Road (No.2). I understand the garage structure has been used as ancillary accommodation, but I saw that the building was empty at the time of my visit. There is an existing dropped kerb off Lancing Road and remnants of a driveway leading to the garage structure.
6. The site is located within an established residential area where the prevailing pattern of development is for hipped-roofed, semi-detached properties fronting and accessed from the road, but set back a driveway depth from it, with modest sized rectangular rear gardens. There were a mix of single storey and two storey dwellings, arranged in small groups of the same house type. Most had driveways or gaps between the pairs of semi-detached dwellings that created an open and spacious character and appearance to the area. Although the appeal site once belonged to a corner dwelling with an atypical size and shape of garden and is now overgrown, the site gives space to the street scene and the setting of adjacent dwellings and hence positively contributes to the character and appearance of the area.
7. The garage structure would be demolished, and a single storey dwelling would be erected fairly centrally on the site. The illustrative plan shows the proposed bungalow would likely have a hipped roof and be of similar brick and tile construction to neighbouring properties. The Council's Sustainable Design and Construction Supplementary Planning Document (the Design SPD) expects development to have regard to the urban characteristics of the locality. It goes on to state that infill development that is a continuation of the street should follow the existing pattern of development, and where it deviates applicants should demonstrate how the design enhances the overall street scene.
8. The proposed dwelling would be sited on a similar building line to the adjacent dwellings (Nos.4 & 6 Lancing Road). However, the siting of a single storey detached dwelling between two groups of two-storey dwellings would be at odds with the pattern of groups of house types. The proposed plot would be of a similar width to neighbouring plots (apart from No.2 which is atypical) but it would have a much shorter depth than the prevailing pattern of rear gardens. In addition, the proposed layout would also create an 'L' shaped rear garden only some 3.6 – 6.3m long. As a result the rear garden would be at odds with the prevailing rectangular and longer neighbouring gardens.
9. Whilst the appeal site occupies a transitional site from the corner of the road to the more linear arrangement of Lancing Road, the proposed dwelling would be positioned tight up to the side boundaries of the site. This would reduce the space and openness between plots that prevails along Lancing Road.
10. To conclude on this main issue, the proposed development would not follow the prevailing form and pattern of development and would result in a cramped and contrived form of development with a dwelling, parking and private amenity space shoehorned into the plot. Hence the proposal would harm the character and appearance of the area.
11. Accordingly, the proposal would be contrary to Policies BE3 and DS3 of the Borough Local Plan. Collectively these seek, amongst other things, to ensure

development is of a high quality, has a positive impact on the amenity of the area and respects and considers patterns of development and plot size and arrangements. It would also be contrary to the guidance in the Design SPD and conflict with the Framework that states that good design is a key aspect of sustainable development to create better places.

Living conditions

12. No.2 is elevated above the appeal site. The rear elevation of No.2 and windows to its upper floor habitable rooms face and look directly down onto the appeal site and what would be the rear garden of the proposed dwelling. A 2 metre high fence has been erected parallel to the rear elevation of No.2 along the side of the appeal site.
13. The Design SPD states that windows to habitable rooms above ground floor that overlook neighbouring private amenity space (i.e. garden) shall be at least 7 metres from the boundary. There is no dispute between the parties that the windows of No.2 are only about 4.9 metres away from the boundary fence and hence much closer than the separation guidance distance. Whilst the 2 metre high boundary fence may prevent some overlooking of the proposed garden area immediately adjacent to the fence, and the northern part of the proposed garden might be further away, I saw that due to the overall small size and configuration of the proposed garden most of it would be overlooked from No.2. In my view this would result in an unsatisfactory relationship that would cause unacceptable overlooking of the rear garden that would harm the living conditions of future occupiers using the limited private garden space.
14. The site may currently have an open feel, but this is because there is limited built form on it. However, future occupiers would be surrounded by tall 2 metre fencing in close proximity to rooms and when in the garden. This proximity and confinement would offer little opportunity for longer and more outward looking views. The presence of neighbouring 2-storey dwellings, which were clearly visible from what would be the rear garden, would compound the sense of enclosure. These factors would, in my view, create an unduly oppressive and overbearing environment for future occupiers that would further harm their living conditions.
15. If the appeal were allowed, I am satisfied that any future reserved matters application could ensure a dwelling was designed with no habitable room windows in the side elevations in order to eliminate privacy issues and poor outlook to future occupiers.
16. For the reasons above the privacy and outlook of future occupiers would be adversely affected as to harm their living conditions. Accordingly, the proposal would conflict with Borough Local Plan Policy BE3 that seeks, amongst other things, to ensure residential amenity meets the needs of future residents. It would also conflict with the guidance in the Design SPD and would be contrary to the Framework that promotes a high standard of amenity for existing and future users.

Highway safety

17. There is no dispute between the parties that the provision of two on-site parking spaces would accord with the Council's standards. Whilst the garage and driveway once served No.2 I understand that the appeal site has not

formed part of No.2 for some time and benefits from its own registered title. I also saw that No.2 has a separate driveway and parking area to the front closer to the junction with Amberley Avenue. Hence, from the limited evidence before me I am satisfied that the proposed development of the appeal site would not result in parking from No.2 being displaced to the street to the detriment of highway safety.

18. Parking provision for the proposed dwelling would utilise the existing driveway and dropped kerb. I saw that the appeal site was situated on the inside of a bend in Lancing Road and a 2m high fence has been erected along the site's southern boundary close to the back edge of the highway. As a result visibility is limited in both directions.
19. Nonetheless, the tall fence could be conditioned to be reduced in height to improve visibility in that direction. The Council reports that the Highway Authority requested a visibility splay of 2.4m x 43m. However, the Highway Authority comments submitted with the appeal documentation raise no objection to the proposal but recommend a condition requiring pedestrian visibility splays of 2.4m x 2.4m.
20. The existing access is onto a residential estate road where traffic speeds would generally be expected to be slower. With limited evidence to the contrary and no objection from the Highway Authority, together with my site observations of the access and of traffic using the road, albeit a snapshot in time, I am satisfied that highway safety would not be significantly compromised by the proposed development and use of the existing driveway and access.
21. Accordingly, the proposal would not have an unacceptable impact on highway safety and hence there would be no conflict with paragraph 115 (formerly paragraph 111) of the Framework.

Other Matters

22. I am aware that a previous dwelling was refused on the site back in June 2019. Whilst my attention is drawn to similarities and differences between the schemes, I have not been provided with full details as to be able to make any meaningful comparisons. In any event, I must consider the appeal proposal before me on its own merits.

Conclusion

23. Drawing all the above points together, the proposal would cause unacceptable harm to the living conditions of future occupiers and would cause unacceptable harm to the character and appearance of the area. The absence of harm to highway safety carries neutral weight in my consideration.
24. The proposed development would conflict with the development plan as a whole and there are no material considerations which outweigh this finding. Accordingly the appeal is dismissed.

K Stephens
INSPECTOR