



Appeal Decision

Site visit made on 30 January 2024

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/E3715/W/23/3325733

Annex Rear of Greenacres, 11 Birdingbury Road, Marton, Rugby CV23 9RY

- 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 David Doggett against the decision of Rugby Borough Council.
 - The application Ref R23/0245, dated 14 February 2023, was refused by notice dated 26 April 2023.
 - The development proposed is described as "*Retrospective permission to regularise the change of use from an existing ancillary annexe allied to Greenacres into a standalone residential unit (upgrade of approval granted 2/3/2017 for conversion of existing outbuilding to 1 bed residential ancillary annex to main dwelling*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The description of development in the above banner header is taken from the application form. However, the Council has described it on the decision notice as "Retrospective application to regularise the change of use from an ancillary outbuilding (annexe) to stand alone residential unit." The appellant has also included this revised description on the appeal form. The revised description is a more precise and clear description, which removes wording that is not a description of development. Therefore, I have determined the appeal on this basis notwithstanding the description in the banner heading.

Background and Main Issues

4. The parties have highlighted that the appeal site is located on Green Belt land. However, they agree that the appeal scheme would not constitute inappropriate development in the Green Belt, and I see no reason to disagree.
5. Consequently, the main issues are the effect of the appeal scheme on:
 - the character and appearance of the area; and

- the living conditions of the occupiers of Greenacres and the future occupiers of the new dwelling, with particular regard to noise and disturbance.

Reasons

6. Greenacres is a large detached two storey dwelling set within a ribbon of development along Birdingbury Road in the village of Marton. The dwelling occupies a substantial plot, set back from the road and with a large rear garden. The rear garden contains an existing small, single storey building located immediately adjacent to the rear boundary.
7. Internally, the building comprises a bedroom, bathroom, living area and kitchenette. A small, enclosed patio area is also provided for the occupiers of the building. No external alterations or extensions are proposed.

Character and appearance

8. The existing dwellings on both sides of Birdingbury Road have a linear built form along the road frontage. This is the main characteristic of the pattern of development along the road.
9. The existing building appears as an ancillary domestic outbuilding to the main dwelling at the bottom of the large rear garden. However, the change of use of the building to an independent dwelling would alter the character of the building and in all probability, there will be demand from the future occupiers for a larger, self-contained private garden and separate parking area. Therefore, the scale, appearance and built form, of a building in use as an independent dwelling, would likely be wholly different than the existing building.
10. The building has a backland location, beyond the linear pattern of development on the northern side of the road. Therefore, in the context of the surroundings, the building and use as a single dwelling would interrupt the established linear built form and prevailing pattern of development on this side of the road, which is also reflected on the other side of the road. Accordingly, the use of the building would not be in keeping with the built form along this part of the road.
11. My attention has been drawn to a neighbouring property, 11a Birdingbury Road, beyond the rear boundary. While I acknowledge that the property is a residential dwelling and occupies a backland location, the use as a house was as a consequence of a lawful development certificate, as opposed to the granting of planning permission and where a consideration of the planning merits was considered against policies of the development plan. Therefore, even though the neighbouring building is now a house, it has not eased my concern that the appeal scheme would result in further harm to the pattern of development in the area.
12. Likewise, even though it may be the case that the area is not covered by a village design statement or a parish plan, the absence of such a document does not justify a development that would result in harm to the character and appearance of the area.
13. Consequently, for the above reasons, the appeal scheme would be unacceptably harmful to the character and appearance of the area. It therefore conflicts with Policies GP1 and SDC1 of the Rugby Borough Council Local Plan

(RBCLP), which together and amongst other things, seek to secure sustainable development that responds to the character of the area and adds to its overall quality. This is consistent with paragraph 135 of the Framework.

Living conditions

14. The building has no separate vehicle access but the parking area to the front of the host property is sufficient for the two properties. Pedestrian access is available to the side and then across the large lawned rear garden of the host property. These arrangements would largely remain unaltered.
15. The front elevation of the host property has main habitable windows in its front and rear elevations. The ground floor front facing windows overlook the large driveway and parking area and the rear facing windows have uninterrupted views of the patio areas, lawned garden and the building. The building has windows in its side wall that have an outlook over the rear garden also.
16. Policies GP1 and SDC1 of the RBCLP, together, amongst other things, seek to secure sustainable development that ensure the living conditions of existing and future occupiers are safeguarded. This is consistent with paragraph 135 of the Framework, which in addition, seeks to ensure that developments function well and add to the overall quality of the area.
17. The shared vehicle access and parking area at the front of the property results in the occupiers of the host property being exposed to the associated uncontrolled comings and goings of vehicle and pedestrian movements of the future occupiers of the dwelling. In particular, the juxtaposition of habitable windows next to the parking area is likely to result in unacceptable levels of noise and disturbance from the movement of vehicles, the revving of engines, closing of car doors, car lights at night, as well as people talking.
18. In addition, the comings, and goings of people at the side and within the shared rear garden is likely to result in unacceptable levels of noise and disturbance to the occupiers of the host property.
19. Furthermore, a communal rear garden, in this particular setting, would be an unconventional arrangement that would not safeguard the living conditions of the occupiers of the two dwellings. There is also no proposal before me which illustrates how the garden could be sub-divided into two separate amenity spaces for the occupiers of the host property or the future occupiers of the new dwelling.
20. For the above reasons and on the evidence before me, the appeal scheme would not provide adequate living conditions for the occupiers of Greenacres and the future occupiers of the proposed dwelling, with particular regard to noise and disturbance. It would therefore conflict with Policies GP1 and SDC1 of the RBCLP, as well as the Framework.

Planning Balance and Conclusion

21. The Framework states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate otherwise. The harm to the character and appearance of the area and the failure of the scheme to create adequate living conditions for existing and

future occupiers draws the appeal scheme into conflict with the development plan when read as a whole.

22. The change of use of the single storey building may or may not appeal to certain demographics, such as a single person or the elderly. Nonetheless a small one-bedroom dwelling would add to the range and mix of housing in the rural area. It would also contribute to boosting the supply of new housing, as referenced in the Framework, and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services following occupation, without conflict with neighbouring land uses. The appeal scheme would also ensure that the building is occupied and maintained in a viable use. However, these benefits would be limited by virtue of the appeal scheme only adding one additional dwelling to the housing supply in the area.
23. In conclusion, the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR