

Appeal Decision

Site visit made on 24 April 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/E3715/W/23/3330997

5 Northcote Road, New Bilton, Rugby, Warwickshire CV21 2EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr O'Neill against the decision of Rugby Borough Council.
- The application Ref is R23/0281.
- The development proposed is conversion of existing single storey building to a dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner has been taken from the application form although, I appreciate from the evidence provided that the appeal site does not form part of and is in separate ownership to 5 Northcote Road (No 5).
3. At the time of my site visit works were ongoing at the appeal building. The building had been rendered to the front and side, a front window installed and internal works carried out. Such works may be in association with a recent planning permission to convert and change the use to the existing single storey building to Use Class E(g) (ref. R23/0574) granted in August 2023. Therefore, I have assessed the appeal on the basis of the proposed plans.
4. The Rugby Borough Council Climate Change & Sustainable Design and Construction Supplementary Planning Document (SPD) was adopted by the Council in February 2023 following consultation. I am satisfied it is a material consideration and so, I have had regard to it in reaching my decision.

Main Issues

5. The main issues in this appeal are:
 - whether the proposed dwelling would provide suitable living conditions for its future occupants, with regard to internal and external space, layout, and outlook; and,
 - the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living conditions

6. The proposed dwelling would be a small, single storey, one-bedroom unit. The appeal site is a long narrow plot and the appeal building, once extended, would fill much of the plot, except for a narrow shared accessway to one side and a small rear garden space.
7. Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) (LP) sets out that new development will ensure that the living conditions of existing and future neighbouring occupiers is safeguarded. However, paragraph 135 (f) of the National Planning Policy Framework (the Framework) requires that decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.
8. The Council has not adopted the National Described Space Standards (NDSS) as development plan policy, although Appendix B of the Council's SPD sets out that the NDSS is of assistance in assessing planning applications. The NDSS require a minimum of 37sqm gross internal floor area for a 1 bedroom, 1 person, single storey dwelling with shower room. Additionally, the standards require a minimum of 7.5sqm for a single bedroom and the provision of built in storage of 1.0 sqm for a single person unit.
9. The appellant asserts that the proposed dwelling would have a gross internal floorspace of at least 43sqm and, the proposed bedroom would be approximately 10.5 sqm, thereby exceeding the minimum NDSS for a single bedroom. Also, although no built-in storage has been indicated on the proposed plans, I consider adequate storage could be provided within the proposed dwelling to meet the NDSS requirement for a single person unit.
10. The proposed bedroom would be at the front of the dwelling with its sole window opening located immediately at the back of the footway along Northcote Road, with no defensible space in front of it. This is unlike other neighbouring dwellings that typically have bedrooms at first floor level. Even though Northcote Road is a cul-de-sac, there is a pedestrian link leading through to a public park at the end of the cul-de-sac and, at the time of my visit, the cul-de-sac was being well-used for on-street parking.
11. Therefore, the movement of pedestrians and vehicles so close to the proposed bedroom would likely cause undue noise and disturbance and harmfully effect the privacy of the future occupant of the dwelling. The proposed insulated cavity wall and double glazing and use of blinds or curtains would not, in my view, overcome the harm caused, due to such close relationship to the footway, especially when the bedroom window is open.
12. The internal space of the proposed dwelling would be long and narrow, with only borrowed light serving the kitchen/lounge area from the proposed conservatory and a narrow window set close to the back gate in a corner of the lounge area. The proposed rear windows would also look out onto a small garden space in close proximity to tall garden walls and fencing. Thereby, this would not provide a pleasant outlook for the future occupant.
13. The proposed rear garden space would be very small and constrained in depth and width by the proposed conservatory and covered cycle store. The limited size of the space, combined with the existing high boundary walls and fencing

around the outdoor space would create an overly cramped feel to the garden area and would provide limited useable space for the occupant of the new dwelling. Also, as appreciated by the appellant, during the afternoon the proposed rear garden space would be shaded, which I consider would add to the cramped feel of the garden area.

14. While the proposal is for a small, one person, non-family dwelling, that may be more akin to a ground floor flat, this does not mean that its future occupant does not need or should not have an attractive and useable private outdoor space to enjoy. The appellant advises there are numerous town centre flats in Rugby without any outdoor amenity space. Although, I have not been provided with any substantive evidence of such examples to allow comparison to the proposal and, the Council's SPD sets out that flats should ensure useable outdoor space is available, such as communal gardens and balconies. Furthermore, the public amenity space nearby which is within a short walking distance of the appeal site would not provide a private garden space for the occupant of the proposed dwelling to enjoy.
15. While I have found the internal space of the proposed dwelling would meet the NDSS, I consider for the reasons given above, harm arises due to the unacceptable layout of the proposed dwelling and that there would not be an appropriate level of outdoor space nor acceptable outlook for its future occupant.
16. I therefore find that the proposed dwelling would not provide suitable living conditions for its future occupant, in conflict with Policy SDC1 of the LP, which amongst other matters, requires all development to demonstrate high quality, inclusive and sustainable design. Also, the proposal would be contrary to the aims of the Council's SPD and the Framework, which promote a satisfactory amount of space to help secure sufficient amenity and quality design and that developments provide a high standard of amenity for existing and future users, respectively.

Character and appearance

17. The appeal site is located within a predominately residential area, comprising mainly two-storey, traditional, pitched roof terraced properties, with their main entrance doors opening onto the back of the footway at the front of the dwellings. There is a distinctive uniform character to the scale and plot sizes of the surrounding terraced properties.
18. As a result of its scale and design, the appeal building appears subservient to No 5 and other surrounding terraced properties. The single storey scale and design of the proposed dwelling, including the lack of a front entrance door and the position and size of the front window makes it appear as a side extension to No 5, rather than a separate independent dwellinghouse in keeping with the prevailing scale and form of existing dwellings in the area.
19. Typically, the surrounding terraced properties have relatively small rear garden spaces, although in comparison, the proposed dwelling would have a significantly smaller overall rear garden area. Also, even though the proposed external materials of the dwelling would be similar to that of No 5, including the use of render and have similar window design, the density, scale, and form of the new dwelling would not be consistent with that of surrounding dwellings.

20. While the appeal building is existing, its lawful use is for an employment use rather than residential. And even though the external appearance of the proposed dwelling would not be significantly different to the scheme recently approved under planning permission ref. R23/0574, this does not justify a new dwelling which would be incongruous in terms of its scale and character compared to other dwellings within the area.
21. In view of the above, the proposal would be harmful to the character and appearance of the surrounding area, in conflict with Policy SDC1 of the LP which sets out that, amongst other matters, new development will only be supported where proposals are of a scale, density and design that responds to the character of the areas in which they are situated. Also, the proposal would be contrary to the guidance contained in the Council's SPD, which requires, amongst other things, that new dwellings provide adequate garden space that is in keeping with the character of the area.

Other Matters

22. The proposal would provide a small one bedroom, single person dwelling that may be suitable to meet certain needs of the local community. Although, I have not been provided with any substantive evidence to demonstrate that such needs are not already being met within the District, what the local demand is for such small scale housing, nor how accessible the proposed dwelling would be to meet the needs of a disabled or infirm person. Therefore, whilst I afford some weight to the provision of a new dwelling, such would not outweigh the harm I have identified in relation to the main issues.
23. It is not disputed by the parties that the site is within a suitable location for new housing. That the proposed dwelling would not be overlooked, be secure and is in an area where park car ownership is not essential are neutral considerations, which do not weigh in favour of the proposal.

Conclusion

24. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, I conclude the appeal should be dismissed.

C Billings

INSPECTOR