

Appeal Decision

Site visit made on 28 August 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/E3715/W/24/3337710

15 Lutterworth Road, Pailton, Warwickshire CV23 0QE

- 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 G Berridge against the decision of Rugby Borough Council.
 - The application Ref is R23/0652.
 - The development proposed is a new detached dwelling to the rear and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling to the rear and associated parking, at 15 Lutterworth Road, Pailton, Warwickshire CV23 0QE in accordance with the terms of the application, Ref R23/0652, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. Lutterworth Road, Coventry Road and Rugby Road comprise the three main roads leading to the centre of Pailton. Houses along these roads are generally laid out such that they front on to the road, creating a linear pattern of development. Nevertheless, there is some variation in building line, with older houses typically positioned close to the road edge¹. Whereas more recent additions are typically set back behind drives and front gardens. In addition, in the vicinity of the appeal site there are minor residential roads leading off Lutterworth Road. For example, Home Farm Close, Brookside Avenue, and Foxfield. These comprise clusters of housing on smaller cul-de-sacs. Together with housing on the more main roads, these create the appearance of a typical village layout.
4. No 15 is positioned close to the road edge and orientated side-on to Lutterworth Road. Whereas the adjacent house at Nos 15A is set much further back and fronts on to the road. Consequently No 15 and 15A are

¹ I note that the Pailton Village Design Statement makes a similar observation.

orientated at 90 degrees to one another. This creates a staggered effect, diluting the linear pattern of development in the immediate vicinity of the appeal site. The proposed dwelling would sit approximately adjacent to the garage of No 15A, and would also be orientated at circa 90 degrees to No 15. Therefore, although located in its rear garden, without frontage on to Lutterworth Road, it would not appear as a tandem development. Instead, its access would appear as a natural continuation of the layout of No 15 and 15A, creating another small cluster of housing fronting on to their own access. Given the presence of other clusters of housing in the locality as described above, it would not appear at odds with the pattern of development here.

5. I note reference to the appeal decision for a dwelling to the rear of 23 Lutterworth Road (Appeal Ref APP/E3715/W/22/3295089). In that case, the Inspector found that the proposal would conflict with the linear pattern of development. However, I observed that No 23 is one of four houses constructed at a similar time, to a similar typology. They are arranged in pairs, fronting on to the road, to a consistent building line. In addition, these four houses appear as a continuation of the building line of Nos 19 and 21 Lutterworth Road. Moreover, they are all highly visible from Lutterworth Road, creating a strong, linear pattern of development that is particularly noticeable there.
6. Consequently, the development of a dwelling to the rear of No 23 would appear noticeably at odds with the layout of houses there. Whereas, the site specific circumstances of this appeal mean that the proposal would appear as a natural addition to the layout of Nos 15 and 15A. Therefore, despite their relative proximity, differences in their immediate surroundings justifies a different decision here. Moreover, in finding that this scheme is acceptable with respect to the character and appearance of its surroundings, it does not follow that it would make it harder to resist other proposals that conflict with the character of their surroundings or set an unwelcome precedent.
7. Accordingly, I conclude that the proposed development would be acceptable with respect to its effect on the character and appearance of the surrounding area. It would thus accord with Policy SC1 of the Rugby Borough Council Local Plan (June 2019) which generally seeks to ensure proposals achieve high quality design and are appropriate to the characteristics of their surroundings. Similarly, it would comply with the requirement in the National Planning Policy Framework (Framework) for proposals to be sympathetic to local character. Also, it would generally comply with the requirement in the Council's Sustainable Design and Construction SPD (2023) which requires proposals to be designed such that they are sympathetic to their surroundings.

Other Matters

8. The Parish Council raised concerns about the impact of the proposal on pedestrian and vehicular safety at the site access. However, the proposal makes use of an existing residential site access and I have not been made aware of particular issues there. Furthermore, the access is proposed to be widened to meet the necessary standard. This is addressed under conditions, below. Moreover, I am satisfied that there is sufficient space within the

driveway for Nos 15, 15A and the proposal, to allow for manoeuvring of vehicles when needed, to avoid unacceptable blocking of the Lutterworth Road. In addition, there is an existing route for pedestrians from the appeal site to the centre of the village via the pavement. As such I find the proposed access arrangements to be acceptable in this instance. Although a certain degree of disruption may arise during the construction phase, this would be temporary and I am not persuaded that it would give rise to unacceptable impacts on highway safety.

Conditions

9. I have imposed conditions in line with those suggested by the Council, with small modifications in some instances as set out below, without changing their meaning. Reasons are provided where any suggested conditions have not been imposed. These conditions have been considered against the tests of the Framework and advice provided by the Planning Practice Guidance on conditions. Where conditions are required to be discharged prior to development, the appellant's agreement has been sought and confirmed in writing.
10. In addition to the standard time limit condition [1] I have imposed a condition specifying the approved plans [2] in the interests of certainty. As the proposed development lies within an area of archaeological potential, a condition relating to archaeological matters [3] is required. A condition relating to drainage [4] is necessary to ensure the proposal is appropriately drained. A condition requiring details of the proposed ecological enhancements and mitigation measures [5] is necessary in the interests of safeguarding and enhancing biodiversity.
11. Conditions relating to tree protection matters [6], floor levels [7], details of hard surfacing materials and external facing materials [8] and bin stores [9], are necessary to ensure that the proposal has an appropriate visual appearance. A condition requiring installation of the access improvement [10] is necessary in the interests of highway safety. A water efficiency condition [11] is necessary in the interests of sustainability. A condition requiring installation of obscured glazing [12] of the first floor side window is necessary to protect the living conditions of neighbouring occupants. A land contamination condition [13] is required in the interests of protecting human health.
12. The Council suggested a condition requiring the provision of broadband infrastructure. However, in the absence of a policy justification for this, I consider it would not be necessary and therefore it is not imposed. A condition preventing the future installation of rooflights or additional windows is not imposed as evidence before me does not indicate that it would be necessary. Also, in accordance with the Framework, no clear justification has been provided to remove national permitted development rights in respect of certain enlargements, improvements, and ancillary buildings for the proposed dwellings. Therefore, such a condition is not imposed.

Conclusion

13. The Council submits that it can identify a housing land supply in excess of five years. Nonetheless, there are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Rachel Hall

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos Site Location Plan scale 1:1250; ROC/867/PD/002; and ROC/867/PD/004.
- 3) The development hereby permitted shall not commence until:
 - i) An archaeological field evaluation has been carried out in accordance with a written scheme of investigation including a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

No development shall take place other than in accordance with the field evaluation and safeguarding measures approved under this condition.

- 4) The development hereby permitted shall not commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the development hereby permitted is first occupied.
- 5) The development hereby permitted shall not commence until a detailed schedule of habitats and species mitigation and enhancement measures (to include timing of works, protection measures for birds, reptiles and amphibians, and mammals, and enhancements for bats and birds, where possible) has been submitted to and approved in writing by the local planning authority. The approved mitigation and enhancement measures shall thereafter be implemented in full in accordance with the agreed timescales.

- 6) The development hereby permitted shall not commence until a Tree Protection Plan and an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved plan/statement.
- 7) The development hereby permitted shall not commence until the full details of the proposed finished floor levels of all buildings and hard landscaped surfaces has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces and samples of the facing bricks and roof tiles of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 9) Prior to occupation of the development hereby approved, full details of the siting, design and materials of associated bin stores shall be submitted to and approved in writing by the local planning authority.
- 10) The development hereby permitted shall not be occupied until the means of access for vehicles that is 5m wide for a distance of 7.5m from the near edge of the public highway carriageway has been constructed in accordance with drawing Ref ROC\867\PD\002A, received by the Highway Authority on 30 August 2023. The access shall be retained as such thereafter.
- 11) The dwelling hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).
- 12) The development hereby permitted shall not be occupied until the first floor window on the side elevation of the approved dwelling has been fitted with obscured glazing and once installed the obscured glazing shall be retained thereafter.
- 13) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.