



Appeal Decision

Site visit made on 6 December 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

Appeal Ref: APP/W3710/W/24/3348918

222 Lutterworth Road, Nuneaton, Warwickshire CV11 6PG.

- 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 Paul Sharp against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref is: 040101
 - The application is for the demolition of 222 & 224 Lutterworth Road, with two new detached dwellings to the front and a bungalow to the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the area, the effect upon the living conditions of residents, the effect upon trees and habitats and whether the development would result in the onerous carrying of waste as per Council policy BE3 of the Nuneaton and Bedworth Borough Plan 2019 (LP).

Procedural Matter

3. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.
4. The description of development used in the heading above differs from that used on the Council's Decision notice and instead the description is that as used by the Appellant on their original application form. I consider that the description of development still accurately reflects the proposal before me and as such I have used this description accordingly.
5. The appeal is related to a proposal that was in outline only with all matters reserved. Despite this there are indicative plans illustrating a potential scheme for development. Although I have treated these plans as indicative only they still represent a likely and feasible solution as to how development could be accommodated upon this site. As such I have assessed this proposal with this in mind.

Reasons

6. The appeal site is concerned with the combined plot of two adjoining semi detached houses, both of which appeared in good repair with typically hipped roofs and attractive double height bay windows to their frontages. The houses are set back some distance from the street frontage of Lutterworth Road which, although being a fairly busy road, is softened through the large and landscaped front gardens of properties, generous verges and street trees.
7. The two properties both contain long, linear rear gardens which appears to be a strong characteristic along this row of houses where gardens are noticeably regular and linear. The exception to this is an area of land that extends to the rear of both of the appeal sites as well as their adjoining neighbour. This results in a square shaped piece of land that is not currently enclosed as part of one of the nearby linear gardens even though its proportions would seemingly have allowed such regular division.
8. Lutterworth Road itself has a largely suburban character with several houses reflecting both the design, materials and scale of those that currently exist upon the appeal site. Several houses appear therefore to be of their time and of a roughly mid 20th century vintage. For the most part the original houses along this stretch of road contribute in a positive manner to the character and appearance of the area, as do those that currently exist on the site in question. They do this through having generous widths of front elevations, architectural features such as bays and gable articulation and they maintain generous gaps between houses that is important for the overall character of the area.
9. The rear of the land is fundamentally of a domestic garden character, as are most of the plots around. I also saw on my site visit several Poplar type trees and other trees and shrubs that give the site an attractive feel but these are largely contained to the site boundaries. There is also an existing single storey timber outbuilding that is located towards the western boundary of the site.

The effect of the proposal upon the character and appearance of the area

10. The proposal before me seeks permission for a single, detached property upon the square area of land to the rear of the plot. In order to obtain access into this site the proposal would intend to demolish the existing two houses. The indicative plans show how the site could then be developed with two narrower buildings upon the site frontage.
11. The indicative plans show an option for a roughly central access that would run between two new detached houses in order to service the proposed bungalow to the rear. Even when giving these plans little weight due to their outline nature, it is difficult to see what other options could feasibly be employed to obtain an adequate access. With this in mind, not only would two distinctive and good quality houses be demolished, but in all likelihood, their replacements would need to be more cramped either to themselves as detached houses, or to their neighbours.
12. In light of this the character of the area would be disturbed through the loss of these distinctive housetypes and their replacement with buildings that would be unlikely to respond so well to the overriding character of Lutterworth Road.

13. When coming to the development to the rear, although this plot is in itself a departure from the vast majority of regular, linear gardens here, the introduction of built development that is both occupied continuously and serviced by vehicles, would considerably alter the character of the area.
14. Taken as a whole, both the loss of the existing semi detached houses and the introduction of a new dwelling within an area of obvious rear domestic gardens, would cause significant harm to the character and appearance of the area. For instance I consider it highly unlikely that new properties upon the site frontage could replicate the subtleness of design and spaciousness that is so important for the character of Lutterworth Road, nor would the proposed development to the rear be sensitive or contextual in its situation when compared with the overriding character of the area.
15. As such this proposal would be in direct conflict with Policy BE3 of the Nuneaton and Bedworth Borough Plan (LP) that reflects the Framework in seeking to ensure new development is responsive to an area's positive character and appearance and to minimise waste associated with development.

The effect of the proposal upon the living conditions of neighbours

16. Several local neighbours expressed concern with regards the development causing potential harm to their living conditions and as such I consider that this potential for such impact is a principal issue to assess. I saw on my site visit that the proposed new dwelling plot is surrounded by other people's gardens and that this is an area where there is a noticeable absence of noise caused by vehicles or built habitation.
17. The proposed building would likely be single storey, or could be conditioned to be, and as such I would not expect there to be any issue of overlooking. However, the practicalities of occupation of this site would inevitably mean that the plot would be more intensely occupied. This would also see the introduction of vehicles, deliveries or visitors to a degree that is largely absent at present.
18. In assessing this I find that this would further alter the character of the area as well as potentially cause harm to the tranquillity that currently exists in these rear gardens. For this reason I consider that there would be some conflict with the Council's policy in this regard.

The effect of the proposal upon trees and habitats

19. As the Council illustrate in their evidence there has been no information with regards the effect of the proposal upon trees or protected species or habitats submitted with the application. I also have no evidence before me to inform my decision in this regard and would be unable to condition any such approval without it being informed by at least some information. As such, although on receipt of such surveys the scheme could become compliant, as it stands I must defer to the Council's Policy requirements contained within Policy NE1 and NE3 of the LP and also find conflict in this regard.

Whether the development would result in the onerous carrying of waste as per Council policy BE3

20. The Appellant states clearly that the proposed development is intended for an occupant who has less than ideal health. They also suggest that bins could be

left at a convenient point to the front of the site on collection days. The Council have raised concerns that the proposed distances involved would conflict with their Policy BE3.

21. In assessing this matter I consider that the distance involved would be long and could lead to some difficulty by an elderly or disabled person to port the waste to such a collection point. However, I consider that there could be innovative ways to overcome this scenario through a detailed application and as such, the scheme would not necessarily be in conflict with this policy.

Other Matters

22. The Appellant has made much of some other schemes within the general vicinity that have seen development that the Appellant's perceive is of a similar ilk. I saw on my site visit these examples and have examined the information before me. Ultimately however, I am unable to fully appreciate the precise reasons why such schemes were advanced and I am unable to draw direct comparisons between these sites and the appeal site before me as a result. As such I can give these other examples only limited weight.

Conclusion

23. Although only at an outline stage, ultimately this proposal would fail to meet the requirements included in the above policies and would not only cause harm to the character and appearance of the area but would also fail to demonstrate how such a development could be instigated without causing harm to both the natural environment and neighbouring residents. As such the proposal would fall into conflict with Policies BE3, NE1 and NE3 of the Nuneaton and Bedworth Borough Plan 2019 as well as advice set out in the Framework itself.
24. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR