

General Development Applications

(4c) Application No: PAP/2020/0190

19, Dordon Road, Dordon, B78 1QW

Erection of two single storey dwellings with associated access and parking for Ms A Roberts

Introduction

This application is referred to the Board in light of the recent appeal decision at the same address which is reported elsewhere on this agenda.

The Site

This is a two-storey detached dwelling fronting Dordon Road but which has a large rear garden extending also across the back of number 17, the neighbouring property. The surrounding area is residential in character with a mix of two storey detached and semi-detached houses constructed in a range of materials. These front both Dordon Road and Birchmoor Road to the north such that there is dominant linear pattern of development. These properties have long and wide rear gardens. The site backs onto the Polesworth School to the south.

A general location plan is attached at Appendix A

The Proposal

This is for the erection of two single storey dwellings at the rear of number 19 with associated access using the existing access to number 19 and parking.

The proposed layout and appearance of the dwellings is at Appendix B

Background

There have been four previous refusals for the residential development of the application site with two dismissed appeals.

In November 2012, planning permission was refused for the erection of four, four-bedroom houses using the existing access to number 19. The reasons for refusal refer to highway and access matters as well as to the adverse impact on the character and appearance of the area.

In May 2013, planning permission was refused for an outline application for residential development using the existing access next to number 19. The refusal reasons were the same as for the 2012 refusal.

In December 2013, planning permission was refused for an outline application for residential development using access next to number 19. The refusal reasons once again reflect the issues already raised. This decision was appealed, but that was not successful. Appeal APP/R3705/A/14/2213784 dismissed 2nd June 2014.

In June 2019 a further application for two single storey dwellings with access next to number 19 was refused. The refusal reasons were consistent with the previous cases. This was again appealed but that was dismissed earlier this month. This is the appeal referred to in the introduction to this report. It has the reference APP/R3705/W/20/3247217. For convenience it is also attached here at Appendix C.

Development Plan

The Core Strategy 2014 – NW2(Settlement Hierarchy); NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV14 (Highway Design)

Other Material Planning Considerations

The National Planning Policy Framework – (the “NPPF”)

The North Warwickshire Local Plan Submission Version, March 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP31 (Development Considerations) and LP32 (Built Form)

Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions

Environmental Health Officer – Expresses concern about disturbance and noise because of the shared access next to a dwelling

Representations

Six objections have been received from local residents referring to:

- There has been no change in circumstance since the 2019 refusal
- There are highway and road safety concerns because of the proximity of the access to the School
- The layout and siting of the proposal goes against the current layout of the period properties along Dordon and Birchmoor Roads
- There is an issue about land ownership
- The application does not address the matters raised in the last appeal
- There may be an issue with ground levels
- Refuse bins will cause a problem

Observations

The application site is within the development boundary defined by the Development Plan for Polesworth and Dordon and thus the principle of residential redevelopment here is acceptable, subject to the proposal satisfying a number of the most important other policies in the Plan relevant to new housing proposals. In this case these are NW10 and NW12 of the Core Strategy and Saved Policy ENV12.

In this regard the planning history of this site is a material planning consideration of substantial weight. This has been summarised above – four refusals and two appeals dismissed. Over this period there has been a reduction the scale of the proposals in order to try and overcome earlier refusals, but this has not been successful. The main issues throughout this history are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to noise and disturbance from vehicles. In each case all of the submitted proposals have been found not to accord with the three policies identified above.

The application before the Board is exactly the same as that submitted last year and which has been very recently dismissed at appeal – Appendix C. There has been no change to the planning policies since the appeal and neither has the proposal been amended. If a different outcome is to be considered, then the Board should be satisfied that there has either been a material change in circumstance or that fresh evidence is available to clearly demonstrate that the issues raised can be overcome.

Recommendation

That planning permission be refused for the following reasons:

1. It is not considered that the proposed siting of the new dwellings would respect the character of the area. The back-land development, whilst acknowledged would be designed as bungalows, would result in an incongruous feature within the defined spatial pattern of the area. Furthermore, the development would reduce the host properties amenity space which would go further go against the grain within the area. The proposed development by way of siting would not harmonise with the immediate setting and wider area. As such the proposal would be contrary to Policy NW12 of the North Warwickshire Core Strategy, 2014 and saved Policy ENV12 of the North Warwickshire Local Plan, 2006.
2. It is considered that the use of the proposed access would lead to vehicles passing in close proximity to the host dwelling. Together with the positioning of detached garages close to boundary of the site this would result in the living standards of neighbouring properties being degraded from that currently enjoyed by way of disturbance and noise intrusion from vehicles. The proposal is contrary with Policy NW10 of the Core Strategy.

Notes:

- i) The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by working with the applicant and attempting to negotiate a satisfactory outcome. However, despite such efforts the planning objections have not been satisfactorily addressed.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2020/0190

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	1/4/2020
2	Environmental Health Officer	Consultation	30/7/2019
3	Warwickshire County Council	Consultation	8/7/2019
4	Local Resident	Objection	0/5/2020
5	Local Resident	Objection	28/4/2020
6	Local Resident	Objection	28/4/2020
7	Local Resident	Objection	21/4/2020
8	Local Resident	Objection	19/4/2020
9	Local Resident	Objection	19/4/2020

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

APPENDIX A





Appeal Decision

Site visit made on 27 July 2020

by **Chris Forrett BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/R3705/W/20/3247217

19 Dordon Road, Polesworth, Warwickshire B78 1QW

- 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 A Roberts against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0317, dated 6 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the construction of 2 single storey dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission was initially missing details of the proposed garage buildings and the details of one of the bungalows. However, as part of the appeal submission these details have now been provided.
3. In accepting these details at this stage, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982). However, given that these details should ordinarily have been part of the original application, and were already described in the application documentation itself, I consider that there would be no prejudice to any party by accepting this detail at the appeal stage. I have therefore determined the appeal with these plans in mind.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to noise and disturbance from vehicles.

Reasons

Character and appearance

5. The appeal site is located on the west side of Dordon Road which is largely a residential area, albeit that there is a school nearby. The properties on Dordon Road have a varied style and palette of materials, although the prevailing form of development in the area is that of properties which directly front onto the street.

<https://www.gov.uk/planning-inspectorate>

6. As pointed out by the Appellant, there are some exceptions to this in the wider area, although this does not in itself define the overarching pattern of development.
7. The appeal site itself, is somewhat unusual in that it is 'L' shaped and wraps around the rear of 17 Dordon Road and is therefore substantially larger than many of the other properties in the area. That said, one of the characteristics of the area is that properties have long or wide gardens.
8. My attention has been drawn to a previous appeal decision¹ at the site which, from the evidence before me, indicates was for three detached two-storey houses (albeit that this proposal was in outline only). Significantly, that appeal decision set out that the siting of the new dwellings within the rear garden would be at odds with the established pattern of development in the area.
9. The current proposal is different in that there is a reduction in the number of residential properties proposed and that they are bungalows rather than two-storey dwellings. In that sense, the visual implications of the current proposal are significantly less than the previous appeal development and it cannot be said that the proposal would result in the same level of visual harm to the area. In that sense, the current proposal would not restrict views across the appeal site to any great degree given its scale and single storey nature.
10. That said, the proposal would still be in contrast to the established pattern of development in the area and I find that this is the most important factor in my determination of the effect of the development on the character and appearance of the area.
11. Whilst the existence of ancillary domestic buildings to the rear of the existing dwellings provide some built form in a tandem fashion, it is significant that these are largely of a much smaller scale than the appeal proposal. I have also had regard to the buildings which form part of the school complex to the south of the site. However, these are part of a very different type of development and do not justify what is before me.
12. In addition to the above, the proposal would significantly reduce the size of the garden to the existing property. Whilst I acknowledge that the existing garden is probably the largest in the area, the resultant garden would neither be as long or as wide as other detached properties in the area. To that end, this would lead to further erosion of the character and appearance of the area.
13. For the above reasons the proposal would harm the character and appearance of the area and would be in conflict with Policy NW12 of the North Warwickshire Core Strategy (2014) (CS) and Policy ENV12 of the North Warwickshire Local Plan 2006 which amongst other matters seek to ensure that development relates well and harmonises with the immediate setting and wider surroundings and improves the settlements character. It would also conflict with the overarching aims of the National Planning Policy Framework.

Living conditions

14. The existing dwelling has a long driveway alongside the boundary with Fairbirch House and the appeal proposal would utilise this driveway to access the two new dwellings. This, combined with the relocation of the existing

¹ Reference APP/R3705/A/14/2213784 dated 2 June 2014

dwelling's parking provision to the property frontage, would mean that there would be a net gain of one additional property utilising this driveway.

15. However, the most significant issue is in relation to the occupants of the host property, No.19, as this property has four corner windows which are immediately adjacent to the driveway at both ground and first floor level. Whilst any existing vehicular activity along the driveway is currently associated with this dwelling, this would not be the case should the appeal proposal be allowed.
16. In the absence of any convincing evidence to the contrary, the noise and disturbance from vehicles associated with the two new properties would be likely to cause an unacceptable level of harm to the occupiers of No.19.
17. As noted by the Council, it would not be possible to control any such disturbance. Furthermore, users of the driveway would be able to have a clear view into the two habitable rooms through the corner windows which in turn would lead to a loss of privacy.
18. Turning to the adjoining properties, I am also conscious that the proposal would introduce new vehicle activity close to the rear boundary of No.17. However, this would be behind some existing outbuildings and as such any noise and disturbance associated with these movements would be largely shielded from the rear garden and dwelling of No.17. Given the single storey nature of the development, and the existing outbuildings, I consider that there would be no loss of privacy to the occupants of No.17 as a result of the front windows of the bungalow facing the rear of No.17.
19. In respect of Fairbirch House, there is an existing hedgerow which provides a degree of screening from the access driveway. Whilst the increased use of the driveway would lead to some additional noise and disturbance, given the amount of development proposed I consider that this would not lead to such a degree of harm which would warrant the withholding of planning permission.
20. For the above reasons the proposal would adversely affect the living conditions of the occupiers of 19 Dordon Road as a result of increased noise and disturbance from traffic passing along the driveway contrary to Policy NW10 of the CS which seeks to ensure that new developments avoids unacceptable impacts upon neighbouring amenities through overlooking and noise disturbance.

Other matters

21. I have also had regard to other developments which have been brought to my attention, including a new dwelling between 13 and 17 Dordon Road, and the Abbey Croft bungalows (and others off High Street).
22. However, the new dwelling between 13 and 17 Dordon Road sits broadly in line with the existing dwellings and is not a tandem style of development. In respect of the other bungalows off High Street, I note that these are not in the immediate vicinity of the appeal site. Furthermore, from the very limited information before me, it is not clear whether these were given permission under the same set of planning policies or similar circumstances. Moreover, each proposal must be considered on its individual merits.

23. I have also taken account that the proposal would contribute two new much needed dwellings to the area. However, the positive aspects of this do not outweigh the harm I have identified.
24. Finally, I have also had regard to the matters raised in the representations, including matters relating to traffic, access issues and the proximity of the school. However, none of these matters provide a further compelling reason why planning permission should be withheld.

Conclusion

25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR