
Appeal Decision

Site visit made on 14 June 2016

by Mandy Lewis BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 September 2016

Appeal Ref: APP/J3720/W/16/3146312

**Sunnyside & Ferndale, New Road, Henley-in-Arden, West Midlands
B95 5HY**

- 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 Craig Fullerton against the decision of Stratford on Avon District Council.
 - The application Ref 15/03102/FUL, dated 14 October 2015, was refused by notice dated 7 December 2015.
 - The development proposed is a new dwelling at the rear of dwellings Sunnyside and Ferndale.
-

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at the rear of dwellings Sunnyside and Ferndale, New Road, Henley-in-Arden, West Midlands B95 5HY in accordance with the terms of the application Ref 15/03102/FUL, dated 14 October 2015, subject to the conditions set out in the attached schedule.

Procedural Matter

2. Following the submission of the appeal the Stratford-on-Avon Local Plan (adopted 14 July 2006) has been replaced by the Stratford-on-Avon District Core Strategy (adopted 11 July 2016). The appeal has to be considered against the newly adopted local plan, and both the main parties have been given the opportunity to comment on this situation
3. The appellant has submitted an unnumbered amended plan with the appeal which they refer to in their submissions as plan number 03 revision G. However, the amendments are such that were I to accept this plan then I would have concerns that the Council and other interested parties could be prejudiced. I have not therefore taken this plan into account in my deliberations.
4. As I consider that the parking and landscaping layout could be sought by means of condition I will not accept the amended plan numbered 03 revision G and I will determine the appeal with the plan number 03 revision F as amended with the Council's agreement prior to the determination of the planning application.

Main Issues

5. The main issues in this appeal are the effect of the proposal on;
- The character and appearance of the surroundings area; and
 - The living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site consists of a section of the rear garden areas of 2 semi-detached dwellings known as Sunnyside and Ferndale which have a frontage to New Road. The rear garden areas to these properties have already been subdivided with close boarded fencing.
7. The appeal site lies between the already subdivided smaller rear gardens and a two storey recently extended dwelling known as Mount View at No 1A Barley Close. It is a rectangular and unkempt piece of land which increases in gradient along with Barley Close.
8. Barley Close has a variety of house type and design. Along the western side of the Close are mainly traditional semi-detached two storey houses set back from the road behind front gardens and driveways. The majority of these homes look onto the rear of a variety of residential properties on 'The Yew Trees' or De Monfort Court, both accessed off the High Street. The presence of these dwellings, although screened by mature trees and shrubs has a bearing on the character of Barley Close, particular De Monfort Court due to its close proximity.
9. On the eastern side of Barley Close, closer to the appeal site there is a less traditional layout and design of housing. Immediately opposite the appeal site, is a property known as Mount Lodge. This is a one and a half storey, rendered property which sits adjacent to the boundary of the highway. In contrast to the more traditional layout of properties in Barley Close, the side flank of the dwelling faces the highway.
10. To the south of Mount Lodge is Arden House which is a very large two storey hipped roof red brick residential property. Arden House, Mount Lodge and De Monfort Court vary significantly in terms of their layout, use of materials and design.
11. The proposal is for a one and a half storey house which would be positioned in the north western corner of the site. The proposed dwelling would face the rear of Sunnyside and Ferndale with its gable end facing Barley Close. It would be lower and located in a different position on the site than the dwelling previously refused and dismissed at appeal.
12. I acknowledge that the proposed dwelling would extend, by a short distance further towards Barley Close than the frontage of the houses along the western side of Barley Close. Paragraph 7.2.2 of the Stratford-on-Avon District Design Guide 2001 states that where development is proposed within an existing street with a well defined building line, proposed buildings should normally maintain the established line.

13. However, the proposal would be viewed against the prominently positioned garage at No1A Barley Close which sits significantly forward of the established building line at a higher level than the appeal site. Furthermore the proposal does not extend further than the flank wall of Sunnyside and therefore I consider it does not detract from the established building line to the rear of the appeal site and its siting is acceptable.
14. The proposal would have a similar plot size, layout and design as Mount Lodge. Whilst the layout of the proposal would be different to the traditional layout of the dwellings on the western side of Barley Close, it would not appear contrived and would contain ample garden and parking space. Nor would the development be out of character with the surroundings, as it would be very similar to Mount Lodge, the nearest property.
15. The proposal therefore meets the aims of Policy CS.9 of the Core Strategy as it maintains local distinctiveness through ensuring that new development improves the current public realm and it reflects the character and distinctiveness of the locality.
16. I acknowledge that, with the adoption of the new Core Strategy, the Council can now demonstrate a 5 year housing supply. However, the appeal site is in a sustainable location and housing land supply figures are not maximum targets which mean windfall sites in sustainable locations should be ignored.

Living Conditions

17. The proposed dwelling would be located less than one metre from the boundary fence of the neighbouring property known as Ivy Dene. The rear garden of Ivy Dene is approximately eight metres wide. The proposed dwelling would be adjacent to the end part of that garden and its proposed finished floor levels would be approximately one metre higher than this neighbouring property, Notwithstanding this however, the proposed dwelling would be set back approximately 24 metres and as it would be positioned at the rear of the garden area I consider this distance would be sufficient to ensure that the occupiers of Ivy Dene would not suffer from an overbearing effect when using either their rear rooms or garden.
18. The proposal would therefore comply with paragraph 17, bullet point 4 and section 7 of the National Planning Policy Framework as it would secure a good standard of amenity for all existing and future occupants in the locality.

Conditions

19. I have had regard to the 10 conditions suggested by the Council. I have amended 7 of the suggested conditions to ensure they meet the necessary tests. However, it is unreasonable to impose the condition relating to a water butt and the provision of bins without evidence of the relevant up-to-date policy in the Core Strategy which required their provision. Furthermore I consider the condition requiring the restriction any development covered by Part 2, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 to be unnecessary as there are no proven special circumstances.
20. I have imposed a condition specifying the relevant drawings as this provides certainty in relation to the development. In the interest of the final appearance of the development I have also imposed conditions requiring further details of

both the materials to be used and the proposal for hard and soft landscaping. These are to be submitted to, and approved by, the Council.

21. In the interest of the privacy of neighbouring occupiers I have imposed two conditions. The first requiring a side facing window to be obscure glazed and the second preventing further windows being installed in the development.
22. I have also imposed a condition requiring a method statement to be submitted to and approved by the Council relating to the construction of the site in order to effectively manage the construction of the development.

Conclusion

23. For reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed.

Mandy Lewis

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 the approved plan number 03F.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall also include proposed finished levels or contours; means of enclosure and hard surfacing materials.
- 5) The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 6) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) measures to control the emission of dust and dirt during construction
 - v) a scheme for recycling/disposing of waste resulting from construction works.
- 7) Before the first occupation of the building hereby permitted the window at the first floor side which serves the bathroom shall be fitted with obscured glass and shall be permanently retained in that condition.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed on the approved development.