

Appeal Decision

Site visit made on 8 August 2016

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 28 September 2016

Appeal Ref: APP/J3720/W/16/3147723

**September House & Church Mead, Whichford, Shipston-on-Stour,
Warwickshire CV36 5PG**

- 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 Simon Herrtage against the decision of Stratford on Avon District Council.
 - The application Ref 15/04329/FUL, dated 23 November 2015, was refused by notice dated 4 March 2016.
 - The development proposed is described as 'the demolition of 2 modern bungalows and their replacement of a terrace of 5 two storey cottages'.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 12 August 2016.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its Decision Notice it has adopted the Stratford on Avon Core Strategy (the Core Strategy). The parties were given the opportunity to comment upon this insofar as it may affect the appeal. As the Core Strategy is now the adopted development plan for the district, I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the location of the appeal site accords with local planning policy for the distribution of housing;
 - whether the proposed development would preserve or enhance the character or appearance of the Whichford Conservation Area and conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB);
 - the effect of the proposed development on the living conditions of the occupiers of Whitefriars and Sunnybank, with regard to outlook, light and noise;
 - the effect of the proposed development on protected species; and
 - the effect of the proposed development on highway safety.
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Reasons

Location

4. The appeal scheme would result in a net gain of three dwellings. Policy CS15 of the Core Strategy sets out a strategy for the distribution of residential development across the District, based upon a pattern of balanced dispersal. Shipston-on-Stour falls within the policy's category of 'All Other Settlements', where development is restricted to small-scale community-led schemes, which meet a need identified by the local community.
5. It may be that there are services and facilities at other settlements relatively nearby, but the appeal scheme does not meet this relevant criterion from policy CS15 and, as such, at face value would conflict with very recently adopted development plan policy for the distribution of housing.

Conservation Area and AONB

6. The Whichford Conservation Area (the Conservation Area) is extensive, covering the vast majority of the village. It is characterised by large open spaces, to which some extensive front and rear gardens make an important contribution, around which groups of dwellings are situated. There is some variety, in terms of age and scale of dwellings but, with the obvious exception of Whichford House, the village's vernacular, certainly in relation to the historic terraced housing, is typically one of informal restraint, characterised by low, cottage-style properties with simple pitched roofs featuring simple chimneys¹ and the occasional half dormer.
7. The appeal dwellings are bungalows of no particular architectural merit, with September House in particular possessing an atypical full width, flat roof dormer. Nonetheless, they are low, set well back from the road, constructed in relatively sympathetic materials and softened by the mature planting and tall trees around them. As such they do not appear particularly stark or incongruous. Their impact upon the Conservation Area is, in my judgment, neutral.
8. I also note the observations of my colleague in relation to a past appeal² in the village that was drawn to my attention, for a proposal similar, albeit not directly comparable, to that before me. He regarded the appeal dwellings as being '*much more visually contained by their immediate surroundings*' than the building on the site that he was considering, with '*a much lesser impact upon the character and appearance of the Conservation Area*'.
9. It may well be that, in general terms, the proposal references the Cotswold building form. Nonetheless, the building would appear as a stark intervention between two single storey dwellings, with no attempt to secure an appropriate transition in relation to the sudden and marked change in height between it and its neighbours. Its height, further emphasised by the run of imposing chimneys and extensive roofscape, and its regimented frontage would appear at odds with the more low key rural surroundings. Indeed, the appellant states that the design was informed by the formal almshouses that may be found in the town of Chipping Norton, rather than drawing upon a rural, village scale vernacular.

¹ Although those at King Edward Terrace are, atypically, more pronounced (albeit being relatively short).

² 2190864

10. In addition, the almost complete loss of the extensive rear gardens to hardstanding for the parking of up to nine vehicles would be fundamentally at odds with the mature planting currently present. This planting is replicated in the immediate surroundings, which together with the appeal site's garden areas contribute to the Conservation Area's characteristic sense of space and rurality.
11. In this context, one must also consider that character is not just about what may be seen. The noise from the manoeuvring of up to nine vehicles within and adjacent to what are at present large, peaceful gardens would in no way accord with the site's immediate context.
12. I have no reason to doubt that the appeal scheme is a genuine attempt to introduce a higher quality of building design to the appeal site. I also agree that an appropriately designed scheme on the appeal site could preserve or, indeed, enhance the character or appearance of the Conservation Area. However, for the reasons set out above, I consider that the appeal does not do so.
13. Its harm to the Conservation Area would be less than substantial and the appellant has suggested that it would be outweighed by the provision of much needed small houses for rent. However, it is not disputed that the Council can demonstrate a five-year supply of deliverable housing sites and the proposal would conflict with development plan policy for the location of new housing. In addition, there is no substantive evidence before me to support the contention that there is a demand for two bedroom homes with small gardens to rent in the village. Indeed, I am mindful of the fact that the proposal would result in the loss of two bungalows, suitable for elderly or less mobile occupiers, the supply of which also appeared to be limited.
14. One of the special characteristics of the AONB, which planning policy and other plans seek to protect, is its distinctive settlements, developed in the Cotswold vernacular, high architectural quality and integrity and their relationship to the landscape. In this regard, for the reasons set out above, the appeal scheme would appear prominently and incongruously in Whichford's streetscene. This being so, although any harm would not be significant, I also consider that the scheme would fail to conserve and enhance the natural beauty of the AONB.
15. I conclude, therefore, that the appeal scheme would not preserve or enhance the character or appearance of the Whichford Conservation Area. Nor would it conserve and enhance the natural beauty of the AONB. It would conflict, therefore, with Core Strategy policies CS15, CS8, CS9 and CS11. These seek, among other things, to ensure that new development protects historic assets, including the distinctive character of villages; is sensitive to its setting and existing built form; is appropriate in relation to its immediate surroundings, is well related to and can be readily integrated with the existing form of a settlement; and conserves and enhances the special landscape qualities and scenic beauty of the AONB.

Living Conditions

16. The Council's decision notice is unclear about the specific concerns in relation to living conditions, although the use of the word 'overbearing' would suggest issues with outlook from neighbouring dwellings. In addition, representations

have been received about loss of light and the Planning Officer's report makes reference to noise and pollution.

17. I have already considered the matter of noise in relation to character and appearance above. Needless to say, turning two extensive rear gardens, between two equally extensive rear plots, into a parking area for up to nine vehicles could not fail to have an adverse impact upon the living conditions of the occupiers of neighbouring properties. The quiet enjoyment of the rear gardens of Whitefriars and Sunny Bank would be very significantly undermined by vehicle noise, where currently there is none. In addition, exhaust fumes would be extremely likely to drift over their rear gardens, further degrading the experience of their users.
18. The access drive to the proposed parking area would run immediately past the gable end of Whitefriars. Although there is only a small window in this elevation, the proximity of the drive to Whitefriars would, in my judgment, mean that vehicle noise would be likely to penetrate into the dwelling causing further harm to the peaceful enjoyment of the property by its occupiers.
19. At present, Church Mead has limited impact upon the outlook from, or light to, the rear of Sunny Bank. This is due to the fact that the former is single storey and its bulk at this point is greatly reduced by the descending roofline. The appeal proposal would not extend as far into the plot as Church Mead. Nonetheless, it would still extend some distance beyond the rear elevation of Sunny Bank and would be considerably taller than Church Mead. As such, its presence would be much more intrusive. Its eastern gable would feature prominently in the outlook from the rear of Sunny Bank, which has a number of large windows looking northwest, appearing oppressive upon it. Some loss of daylight is also likely, with potential for loss of sunlight towards the end of the day.
20. The appellant has submitted a revised plan that shows a flat roof to the rear of the appeal building on its eastern end in an attempt to overcome impacts upon Sunny Bank. However, this is a material change to the scheme, which does not appear to have been consulted upon, and as such I have not considered it further.
21. I conclude that the appeal proposal would have an adverse impact upon the living conditions of the occupiers of Whitefriars and Sunnybank, with regard to outlook, light, noise and pollution. It would conflict, therefore, with Core Strategy policy CS9, which seeks, among other things, to ensure that occupants of neighbouring buildings are protected from unacceptable levels of noise, pollution, loss of daylight and from adverse surroundings.

Protected Species

22. The Council has requested a Bat Survey. The appellant has not disputed the need for one, but has yet to produce it. Albeit that there is no specific evidence to indicate that bats may be present in either September House or Church Mead, or in the trees in their gardens, I must infer from the statements before me that such a survey is necessary and adopt a precautionary approach.
23. This being so, it is not appropriate, in this instance, for such a survey to be conditioned. The presence or otherwise of a protected species on the site must

be established and understood in advance of planning permission being granted such that it can be considered accordingly.

24. As such, I conclude that the appeal scheme could have an adverse impact upon a protected species. It would conflict, therefore, with Core Strategy policy CS6, which seeks, among other things, to ensure that new development secures a net gain in biodiversity and safeguards existing habitats.

Highway Safety

25. There is an outstanding objection to the appeal proposal from the Highways Authority for a number of reasons, relating to an insufficiently wide access, inadequate parking layout and lack of refuse bin collection area. These are not disputed by the appellant. Again, therefore, I infer from the statements before me that these are justified concerns in relation to highway safety and have again adopted a precautionary approach.
26. The appellant submitted a revised layout drawing, which shows spaces for 13 vehicles, a turning area, a marginally enlarged access and a bin storage area to the front of the dwellings. Again, these are significant material changes to the appeal proposal and, although received by the Council before the appeal scheme was determined, it is not clear that this plan was consulted upon. As such, I consider that interested parties may be prejudiced by my consideration of it and I have not addressed it further.
27. Notwithstanding this, the increase in the number of vehicles potentially present at the rear of the appeal site would be likely to have a further adverse impact in relation to the harms associated with such intensive rear parking that I have already identified above.
28. Therefore, on the basis of the evidence before me, I conclude that the appeal scheme could have an adverse impact upon highway safety. It would conflict with Core Strategy policy CS26, which seeks, among other things, to ensure that new development does not give rise to unacceptable transport impacts.

Other Matters

29. It was suggested on the site visit that September House was subsiding and that the new occupiers of Whitefriars supported the appeal proposal. There is no evidence before me in support of these oral assertions, however, and thus I can give them little weight.
30. The appellant has suggested that five dwellings are needed to make the appeal scheme financially viable. There is not, however, any evidence before to substantiate this.

Conclusion

31. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR