
Appeal Decision

Site visit made on 11 October 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/J3720/W/16/3154823

Oakwoods House, Green Lane, Oxhill, Warwickshire CV35 0RB

- 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 Tobias Robinson against the decision of Stratford on Avon District Council.
 - The application Ref 16/00672/FUL, dated 26 February 2016, was refused by notice dated 17 May 2016.
 - The development proposed is construction of 2 detached houses with access provided from the existing access, following demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 2 detached houses with access provided from the existing access, following demolition of existing garage at Oakwoods House, Green Lane, Oxhill, Warwickshire CV35 0RB in accordance with the terms of the application, Ref 16/00672/FUL, dated 26 February 2016, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. The description of development differs between that given on the planning application form and the Council's decision notice. The appellant has also used the Council's description of development on the appeal form. For the avoidance of doubt, this is the description of the development in the header above and accurately describes the proposal.
3. Subsequent to the determination of the planning application, the Council has (in July 2016) adopted the Stratford-on-Avon Core Strategy 2011 – 2031 (CS). I have therefore determined the appeal on the basis of the policies contained in the CS which is part of the Development Plan for the district.

Main Issue

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

Reasons

5. The appeal site is located on the northern side of Green Lane, a fairly rural road in the village of Oxhill. It is predominantly characterised by detached bungalows and 1.5 storey properties set in sizable plots forming a ribbon of
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- development along just one side of the road leading out from the central part of the village.
6. The style and design of the properties along Green Lane vary and there is not an obvious spacing or regularity to the built form. There are also some slight height variations between the properties. However, they all have a frontage with Green Lane and are sited quite centrally on their plots, well back from the road behind wide grass verges and spacious front gardens.
 7. The appeal site currently forms part of the large rear garden of Oakwoods House, a residential bungalow. It is bounded to the north and east by the fields currently separating Green Lane from Whatcote Road on the other side of the village, and to the west by an existing dwelling known as Stablecroft. The appeal proposal would see the subdivision of the existing plot at Oakwoods House and the erection of 2 detached dwellings.
 8. Being located to the rear of the properties on Green Lane, the appeal proposal would not have a frontage with the street and would constitute backland development that is out of keeping with the prevailing linear pattern of development.
 9. Nevertheless, I am mindful that the land to the immediate rear of the appeal site has outline planning permission for 4 dwellings. Therefore, whilst no similar development currently exists, the principle of backland development has already been established in this vicinity. Moreover, at my site visit I noted the presence of other backland development at The Setts, off Whatcote Road. This is located a short distance beyond the site with outline permission and can be seen from the appeal site. I acknowledge that these sites were within areas of open countryside rather than part of a residential curtilage. However, the Council has not indicated that it has a policy to resist the development of residential gardens in Oxhill.
 10. I acknowledge that the proposed access off Green Lane located via a driveway along the western boundary of the site would allow some views of the dwellings from the street. However, the presence of built development behind the existing properties on this part of Green Lane is already perceptible. Following the implementation of planning permission for the 4 dwellings to the rear, the appeal proposal would be viewed against a background of other built development.
 11. Therefore, although the appeal proposal would be out of character with the prevailing pattern of development along Green Lane, I do not consider that it would be visually discordant when viewed from the street scene in this wider context.
 12. Consequently, the appeal proposal would not be significantly uncharacteristic or out of context with its immediate setting such that it would be harmful to the character and appearance of the area.
 13. I have seen that a number of new dwellings have been erected along Green Lane through the sub-division of existing plots. This has eroded the gaps between the dwellings and increased the density along Green Lane, whilst also reducing the individual plot sizes and areas of garden space.
 14. The spacing between the proposed dwellings would not therefore be inconsistent with the spacing between the existing properties along Green

Lane, particularly considering other recent planning approvals within the curtilage of existing dwellings. I do not therefore consider that the proposed dwellings would result in inappropriate over development of the garden land associated with Oakwoods House. Furthermore, whilst the rear gardens of the proposed dwellings would be modest, especially when compared to the very large neighbouring garden of Stablecroft, they would nevertheless have sufficient private amenity space and would be well screened such that they would have limited views from the public domain.

15. The height of the proposed dwellings would be 7m; around 600mm higher than Oakwoods House. However, there is already some slight variation in height between the existing properties along Green Lane. Given this, together with the location of the proposed dwellings behind Oakwoods House and their distance from it, I do not think that this height difference would be readily perceptible such that the dwellings would appear as an intrusive form of development from Green Lane.
16. The proposed dwellings would be identical in design and I acknowledge that Green Lane is largely characterised by properties of varying styles. However, there are examples of similarly designed dwellings sitting adjacent to each other along Green Lane. In this case, as the proposed dwellings would not directly front Green Lane, their identical design would not be detrimental to the character and beauty of the lane to the front.
17. The dwellings along Green Lane are predominantly bungalows or 1.5 storey dwellings with many properties featuring rooms within the roof. The proposed dwellings would also be 1.5 storeys and would be of a similar height to the properties in Green Lane. As they would not front directly onto Green Lane, that they would not appear visually discordant in the street scene.
18. Consequently, I do not consider that the proposed development would have a harmful effect on the character and appearance of the area. I find no conflict with Policy CS.5 of the CS which seeks to ensure that, amongst other things, proposals for development have regard to the local distinctiveness of the district's landscape. The proposal would also accord with Policy CS.9 of the CS which seeks to ensure that proposals reflect the context of their locality, are well integrated with the existing built form and have densities that are appropriate to the site, amongst other things. I also find the proposal to be acceptable in terms of the aims of the National Planning Policy Framework (the Framework) as regards good design.

Other Matters

19. I have taken account of the views of the Parish Council and local residents. Having regard to the evidence before me, as a Category 4 Local Service Village, Oxhill is identified in the CS as a village suitable to accommodate some housing. However, whilst I do not have a copy before me, the Parish Plan appears to seek to resist backland development.
20. Nevertheless, outline planning permission has already been granted for 4 dwellings on a site to the rear of the appeal site and there have also been examples of development within the curtilage of existing properties, which has changed the character of Green Lane. The appeal proposal would be seen in the context of the surrounding development and the Council accepts that the site is in a sustainable location.

21. Whilst I also note some concerns about the suitability of the access for refuse and emergency vehicles, no evidence has been provide to suggest that this would be an issue.

Conditions

22. I have had regard to the conditions put forward by the Council and the appellant's comments. Having considered them against the tests in the Framework and advice in the Planning Practice Guidance (PPG), I have amended or combined some conditions in the interests of clarity and to avoid duplication.
23. In addition to the standard time limit condition, a condition requiring development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
24. Conditions relating to the use of external materials and the submission of hard and soft landscaping details are also necessary to ensure the satisfactory appearance of the development. Moreover, to ensure that the development is provided with a satisfactory means of drainage, I consider it necessary to impose a condition requiring the submission and approval of foul and surface water drainage details.
25. In the interests of highway safety it is reasonable to impose conditions to secure appropriate visibility splays, to widen the existing access and to provide a turning area to allow vehicles to leave and re-enter the public highway in a forward gear. A condition which prevents access to the site from being constructed in a manner which reduces the effective capacity of a drain or ditch in the public highway is also reasonable to ensure safe access.
26. The Council has suggested conditions to prevent more than one access being made from Green Lane and to stop access being taken from any other public highway other than Green Lane. However, I do not consider that such conditions are necessary as the development would be bound by the approved plans and additional accesses would require planning permission. Similarly, the Council's suggested condition restricting access other than from the approved location is not necessary as the development is required to be carried out in accordance with the approved plans in any event.
27. To ensure the appropriate and sustainable management of domestic waste, it is reasonable to require the provision of bins for the purposes refuse, recycling and green waste. Moreover, to encourage the re-use of water resources it is also reasonable to impose a condition requiring the provision of a water butt for the dwellings.
28. Given the potential habitat of bats, it is necessary to impose a condition requiring development to be carried out in accordance with the recommendations set out in the appellant's Bat Assessment Report as submitted with the application.

Conclusion

29. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed

Emma Tinsley-Evans

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PF/9664.01; 1450_01; 1450_02; 1450_03.
- 3) No development shall commence above slab level until samples of the materials to be used in the construction of the external surfaces of the dwellings 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 samples.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - iii) landscape features to be removed or retained and proposals for restoration, where relevant;
 - iv) hard surfacing materials, ensuring that access to the site for vehicles is surfaced with a bound material for a distance of 12.5m as measured from the near edge of the public highway carriageway;
 - v) A programme of implementation for these works.

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme. The hard landscaping works shall be carried out before any part of the development is first occupied.

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives its written approval to any variation.
- 6) None of the dwellings hereby permitted shall be occupied until works for the disposal of foul / surface water has been provided on the site to serve the development hereby permitted, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- 7) No development shall commence until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4m and a 'y' distance of 43m to the near edge of the public highway

carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6m above the level of the public highway carriageway.

- 8) The development shall not be occupied until the existing vehicular access to the site has been widened / remodelled so as to provide an access of not less than 5m in width, for a minimum distance of 12.5m, as measured from the near edge of the public highway carriageway.
- 9) The development shall not be occupied until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear.
- 10) The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
- 11) The dwellings hereby approved shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for each of the approved dwellings, in accordance with the Council's bin specification.
- 12) No dwelling that has a downpipe within the development hereby approved shall be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 13) The development hereby permitted shall be carried out in strict accordance with the recommendations set out in the Bat Assessment Report carried out by Ecolocation dated 25 May 2012 with Addendum to Report dated 16 June 2015. In particular Section 11. Obligations and Recommendations.