
Appeal Decision

Site visit made on 5 December 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 11 January 2017

Appeal Ref: APP/J3720/W/16/3159751

112 Tiddington Road, Stratford-upon-Avon CV37 7BB

- 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 Henry Morrison against the decision of Stratford-upon-Avon District Council.
 - The application Ref 16/01698/FUL, dated 18 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is replacement house.
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Decision

1. The appeal is dismissed

Preliminary Matter

2. The Stratford-upon-Avon District Core Strategy 2011 to 2031 (CS) was adopted in July 2016 after the original planning application was made but prior to its determination by the Council. The appellant has exercised the opportunity to comment fully on the CS and the Council's reasons for refusal during the course of the appeal process.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the existing dwelling has been shown to be unsuitable for retention.

Reasons

Character and appearance

4. The appeal site is located about a kilometre to the west of Stratford-upon-Avon town centre. Tiddington Road is a wide busy road with generous grass verges. The area is mainly characterised by substantial detached dwellings on large plots, set back from the road, with ample gardens to the front and rear. The existing dwelling on the site is a large white mock-classical mansion. The proposal is to demolish it and replace it with a similarly sizeable neo-Georgian dwelling.

5. There are a variety of architectural styles exhibited along this part of Tiddington Road, including mock Tudor, designs influenced by the Arts and Crafts movement and more modern forms. Many of the dwellings were built during the mid to late 20th century with a number of plots more recently re-developed.
6. The appellant advises that the existing dwelling has been subject to a number of alterations including kitchen and carport extensions, a new portico and additional gables and dormers. Despite the various piecemeal changes, I do not consider that the dwelling has an incoherent appearance when viewed from the road. It has two storeys and a pitched roof with three gables facing the road, echoed by two gabled dormer windows above the double garage.
7. The existing dwelling sits between 114 and 110 Tiddington Road which comprise a mock Tudor design and a more modern aesthetic, respectively. Looking towards the three properties from the footpath on the opposite side of the road, despite differing architectural styles, they have some similar basic features including gabled frontages and pitched roofs, albeit with hipped elements, forming a generally consistent roof height to the ridge. Therefore, whilst the existing building may not be of great architectural merit in itself, it does have broad similarities with the adjacent dwellings and others in the area.
8. Contrastingly, the replacement would have a higher roof than the dwellings to either side and one less acute gable to the main two storey part of the building. It would, like the existing dwelling, be set back from the road against a backdrop of trees and the main roof section would be shorter in length than the existing roof. Nevertheless, the additional height and design of the roof combined with the height of the main façade and a substantial garage element to the side would cumulatively cause the proposed building to appear prominent and incongruous in the street scene. I do not consider that those aspects could be sufficiently mitigated by landscaping.
9. I did not see examples of similar mock-Georgian properties amongst the various architectural styles in the immediate vicinity. I also note that the Tiddington Road Character Study, in its section on 'Policy and management suggestions', refers to the neo-Georgian architectural style as alien to the character and appearance of the area.
10. Overall therefore, I conclude that the proposal would harm the character and appearance of the area. Consequently, it would conflict with Policy CS.9 of the CS which, amongst other things, requires that development reflects the context of a locality and maintains a continuity of key design features. Furthermore, it should not harm existing public views.
11. Though not referred to by the Council in its second reason for refusal, covering the effects on character and appearance, Policy CS.20 of the CS specifically requires, in part C, that the replacement dwelling will not be visually intrusive. Part E requires that proposals preserve and enhance the character of a locality. The strategic objectives refer to character and local distinctiveness being reinforced by ensuring that new development takes into account the intrinsic value of the townscape. Point 5.63 of its 'Explanation' also refers to protecting the character of the locality. Therefore, for the reasons already given the proposal would conflict with that policy.

12. The Council cite conflict with Policy CS.5 of the CS but that is primarily directed at rural landscapes and the protection of their key features. Therefore, I do not consider that there is a clear conflict with CS.5.

Retention of existing dwelling

13. In its first reason for refusal, the Council states that the existing dwelling has not been shown to be unsuitable for retention. Section C of Policy CS.20 of the CS advises that renovating existing dwellings is often a more sustainable and environmentally friendly approach than replacing them entirely. It refers to situations '*where the existing dwelling is not considered suitable for retention*' and '*where a replacement dwelling is considered appropriate*'. The policy does therefore imply some assessment of the possibility of retaining the existing dwelling.
14. The Council Officer's report states that no information had been provided to explain why the existing dwelling was not considered suitable for retention. The appellant's appeal statement has provided information on that aspect and submits, as discussed above, that the existing dwelling has been subject to various extensions and additions which have cumulatively created an unsatisfactory internal layout and a building of little architectural merit.
15. It is also said that the dwelling has limited insulation, is subject to excessive ventilation heat loss due to poor sealing and that the windows and doors have obsolete double glazed units which fail to meet current standards. The appellant holds that such deficiencies would be difficult and costly to effectively address given the age, construction and nature of the building and its various additions. In contrast, the replacement would be constructed of modern high quality materials using the latest building technologies. The Council accepts the environmental and renewable energy credentials of the proposed dwelling.
16. Section 5.6.3 of the 'Explanation' section of Policy CS.20 recognises that replacing dwellings can enable homeowners to realise the potential of their property and adapt it to changing needs to improve the quality of their lives. The appellant advises that the proposal is intended to fulfil that aspiration.
17. I conclude that, on balance, adequate sustainability and environmental reasons have been given to show why the existing structure is not considered suitable for retention. However, I have already concluded above that the proposal is contrary to the other tranche of Policy CS.20, relating to character and appearance, which requires that replacement dwellings should not be visually intrusive.

Conclusion

18. Whilst I have found that adequate reasons have been given to show that the existing structure is unsuitable for retention, the harm that that would be caused to the character and appearance of the area by the proposed replacement dwelling is decisive. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR