
Appeal Decision

Site visit made on 27 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/J3720/W/16/3166140

Old Rectory House, Banbury Road, Ladbroke CV47 2BT

- 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 & Mrs Morten against the decision of Stratford on Avon District Council.
 - The application Ref 16/01762/FUL, dated 26 May 2016, was refused by notice dated 28 September 2016.
 - The development proposed is an eco dwelling and cart-lodge outbuilding together with alteration to existing vehicular access to provide new driveway.
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Decision

1. The appeal is allowed and planning permission is granted for an eco dwelling and cart-lodge outbuilding together with alteration to existing vehicular access to provide new driveway at Old Rectory House, Banbury Road, Ladbroke CV47 2BT in accordance with the terms of the application, Ref 16/01762/FUL, dated 26 May 2016, subject to the conditions set out at the end of my decision.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area, having particular regard to whether the proposal would preserve or enhance the character or appearance of the Ladbroke Conservation Area.

Reasons

3. Ladbroke is a fairly small village which has a distinctive settlement pattern, with effectively two centres. The eastern side of the village is primarily residential. This area is based around Banbury/Southam Road but is not entirely linear with looping pockets of development based around Bridge Lane to the south and Windmill Lane to the north, and is separated from the western centre of the village by a thick belt of trees around a stream valley. The western centre of the village is less built up than the east and contains the notable buildings of the parish church and Ladbroke Hall.
 4. The appeal site lies in the eastern area of the village, and comprises the well treed rear garden of the Old Rectory House. This substantial 2 storey red brick property is set back off Southam Road with a large parking area set in front. The rear garden of the property is fairly wide and long stretching down to the stream. To the north of the site lies the village Millennium Green, a rectangular piece of land which hosts a children's play area and wildflower
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meadow, leading to a bridge over the stream, from where a footpath heads west across a meadow to the Church. To the south lies various gardens and outbuildings belonging to properties fronting Southam Road and School Lane. On the opposite side of Southam Road lies High House, a dominant Grade II listed late 18th century 3 storey Flemish bond red brick property with a plain tiled roof.

5. The proposal seeks to construct a 3 bed detached 2 storey dwelling with a separate 'cart lodge' double garage. The size of the garden is such that the development can fit in the area proposed, whilst leaving adequate gardens for both the proposed dwelling and for Old Rectory House. An access drive would be constructed along the southern boundary of the property, allowing access to the Old Rectory at its initial point.
6. Although a substantial property, the proposal would not be especially tall, with many of the first floor windows set in dormers. A section drawing submitted demonstrates that the ridge of the proposal would be lower than the ridge of the Old Rectory, which in turn is lower than the High House. This fairly low roof line would help to reduce the massing and bulk of the proposal, which would be set into the woodland to the rear of the site by its proposed materials. These include, in a nod to the High House, a Flemish bonded brick plinth with horizontal oak weatherboarding set in oak frames above, below a clay plain tiled roof.
7. The proposal would be well screened from the road by the Old Rectory House, and would not I consider fall within the setting of High House. The thick line of trees at the rear of the site, both within the garden and around the stream valley would screen the proposal from views from All Saints church and its yard; the effect of any such glimpsed views would also be reduced by the proposed materials. More views could be had of the property from the Millennium Park running alongside the northern boundary; however, such views would be of an attractive well designed dwelling and would not cause harm.
8. The Council raise concerns over the 'backland' nature of the proposal and its effect on the pattern of development within the settlement. I noted that such a specific form of development did not appear to be commonplace within Ladbroke. However, the village does not have a purely linear form; fairly modern development on Hedges Close is set between Southam Road and Windmill Lane, and Bridge Lane also coalesces the form of the village into more of a nucleated pattern. In this context development on the site would not appear out of place, and other development in the form of various fairly large outbuildings to the rear of the other buildings on Southam Road is also clearly visible from the appeal site. The well designed scheme would fit comfortably into the physical confines of the overall eastern cluster of the village.
9. Therefore, whilst 'backland' development is not common in the village, in this case due to the limited visibility of the plot, the proposals design and siting and the substantial landscaping present in and around the site, I do not consider that the proposal would harm to the surrounding landscape and setting of the settlement. Neither, for the same reasons would the proposal cause harm to Conservation Area, which covers much of the village including

the western and eastern sides of the settlement, and the open spaces between them.

10. I therefore consider that the proposal would not have an adverse effect on the character and appearance of the surrounding area, and would preserve the character and appearance of the Ladbroke Conservation Area. The proposal would comply with Policies CS9 and CS15 of the Core Strategy¹, which together state that all forms of development will reflect the character and distinctiveness of the locality, be sensitive to the existing built form of the area and not be unreasonably harmful to the surrounding landscape and setting of the settlement. The proposal would also comply with paragraphs 18-219 of the National Planning Policy Framework, which constitute the Government's view of sustainable development, including paragraph 56 which states that good design is a key aspect of sustainable development.

Conditions

11. I have imposed standard conditions relating to time for implementation and accordance with plans. Given the sites presence in the Conservation Area, I have also imposed conditions requiring details of the materials proposed for the scheme to be submitted to, and agreed prior to the development taking place. For the same reason, I have also imposed a condition requiring landscaping details to be agreed, although I have simplified the Council's recommended condition given the limited size and nature of the proposal. I have also altered the timing of the proposed landscaping works to take place following the completion or the occupation of the development, as I agree that to carry out such works whilst development was proceeding on site would not be practical. I have also imposed a condition to ensure that the rooflights should be limited to a conservation style, in the interests of the character and appearance of the Conservation Area.
12. An arboricultural method statement was submitted with the application, detailing tree protection measures. Given the proximity of the scheme to various trees, and the contribution that such trees make to the character and appearance of the conservation area, I have imposed a condition to ensure the proposed measures are enacted and retained whilst required, as well as a condition to ensure that no tree or shrub removal takes place during the breeding/nesting season, in the interests of ecology.
13. Conditions are also imposed requiring foul and surface water details to be agreed, and water butts to be provided on site, in the interests of the water environment, and for bins to be provided on the site in the interests of the character and appearance of the area. I have also imposed various access conditions to ensure that the development is not occupied until the access and car parking/manoeuvring areas have been constructed, planting around the site access is cut back, for development not to be commence until a turning area for site traffic has been provided in the site, and measures to restrict mud on the road are enacted. All such conditions are required in the interests of highway safety.
14. The Council have requested a condition requiring large scale details of the proposal to be submitted and agreed prior to development commencing.

¹ Stratford-on-Avon Core Strategy 2011-2031, 2016

Given that the proposal is for a single new build development which does not affect a listed building I am not convinced that such a condition is necessary. A condition is also requested to ensure site deliveries and collections are not made during peak times on the highway. However, given that Southam/Banbury Road are fairly lightly trafficked, with most passing traffic using the bypass I do not consider that such a condition is necessary.

15. Finally, the Council also request that a condition restricting permitted development rights is imposed. Planning Practice Guidance states that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances, which I am not convinced exist in this case. The site, whilst attractive and within a Conservation Area is not exceptional and such a condition is not necessary.

Conclusion

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

Jon Hockley

INSPECTOR

SCHEDULE OF 16 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: LTD088.001, LTD088.004, LTD088.005, LTD088.006, LTD088.007, LTD088.008, LTD088.009, LTD088.010, LTD088.011 and LTD088.013. The development shall also be carried out in accordance with the revised access arrangements plan received 28.09.2016 unless otherwise specified by conditions attached to this permission.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) The development hereby approved shall be carried out in full accordance with the arboricultural method statement produced by Hayden's Arboricultural consultants and dated 17.05.2016. All the tree protection measures set out in the statement shall be put into place prior to the commencement of development and shall remain in place until all external building and driveway construction works have been completed.
- 5) The proposed rooflights shall be of a conservation style.
- 6) No development shall commence until a scheme for foul and surface water disposal has first been submitted to and approved in writing by the

Local Planning Authority; the development shall be implemented in accordance with such approved details prior to the first use of the buildings hereby permitted and shall be retained thereafter.

- 7) No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development in accordance with Condition 4, planting plans including numbers/densities of plants, existing and proposed finished levels, details of hard surfacing materials, the position and design of all site enclosures and car parking layout.
- 8) 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 dwelling 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.
- 9) No removal of trees, hedgerows or shrubs shall take place between 1st April and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than a month) that has been undertaken by a competent ecologist to assess the nesting bird activity, together with details of the measures to protect the nesting bird interest onsite. Any such written confirmation shall be submitted to the Local Planning Authority.
- 10) The development shall not be occupied until the vehicular access to the site has been laid out in accordance with the approved drawings and to the specification of the Highway Authority, providing an access no less than 5.5 metres in width for a distance of 8 metres, as measured from the near edge of the public highway carriageway, and surfaced with a bound material for a minimum distance of 10.0 metres. No gates shall be hung within the vehicular access to the site so as to open within 8.0m of the near edge of the public highway carriageway. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.
- 11) No development shall commence until the planting around the access, overhanging or within the highway extent fronting the site has been cut back so that no planting fronting the site is within 0.6 metres and 2.05 metres above the height 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 0.6 metres above the level of the public highway carriageway.
- 12) The dwelling shall not be occupied until the car parking and manoeuvring areas for that dwelling, including the necessary vehicular footway crossing, have been laid out and are available for use in accordance with the approved plan and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

- 13) The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.
- 14) The development hereby permitted shall not commence unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.
- 15) The dwelling 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 specifications.
- 16) No building that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.