
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: 25 April 2017

Appeal Ref: APP/J3720/W/16/3166196

The Willows, Top Street, Northend CV47 2TW

- 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 O'Brien against the decision of Stratford on Avon District Council.
 - The application Ref 16/01279/FUL, dated 17 April 2016, was refused by notice dated 30 June 2016.
 - The development proposed is the construction of five houses and a detached garage with home office/studio above. Demolition of existing garage.
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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 that issued on 30 March 2017.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Since the application that is the subject of this appeal was refused, the Council have adopted their Core Strategy¹. Previous policies that were referred to on the decision notice in the Local Plan have now been superseded and both parties have addressed this change in their evidence. In particular I note that previous policies detailing when public open space contributions would need to be made have been significantly altered. The fifth reason for refusal of the application related to such matters but both parties are in agreement that such requirements no longer apply. Based on all that I have seen and read I have no reason to disagree. The main issues in this case therefore are as follows:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect of the proposed development on the living conditions of neighbouring residents, with regard to daylight, sunlight and outlook,
 - Whether the future residents of the proposed development would experience reasonable living conditions, with regard to provision and quality of private amenity space, and

¹ Stratford-on-Avon District Core Strategy 2011-2031, July 2016.

- The effect of the proposed development on highways safety in Top Street.

Reasons

Character and appearance

3. Northend is a fairly small village, with development based around the two roughly parallel roads of Bottom and Top Streets. Various cul-de-sacs and closes are situated off the roads, and development has a mixed character and density. The appeal site is sited on the south side of Top Street, and contains the property of The Willows, which is sited gable on to the road, with its façade facing the lower part of the large garden of the property. To the immediate south of the site, and covering a similar depth is the cul-de-sac of Malt House Close, which contains a number of bungalows. On the northern side of the site lies a further cul-de-sac with a range of semi-detached and detached properties located on it. Opposite the site lies more residential development of varying character, with a footpath leading down past the village hall to connect with Bottom Street.
4. A large ironstone garage/outbuilding runs along the northern boundary of the site with Top Street. The site rises fairly steeply to the south with the top of the site being around 5m higher than the lower end of the site. The proposal seeks to demolish the substantial outbuilding, but retain the Willows. 5 properties would be constructed on the site, with a detached dwelling, Plot 1, close to the road, and two blocks of 2 semi-detached dwellings (Plots 2-3 & 4-5) strung across the southern end of the site. The detached dwelling is detailed in the plans as being a 2½ storey dormered house constructed in reclaimed stone, with a red brick outrigger, whilst the semi-detached properties are shown in red brick. These, although having half dormered windows in the first floor, would have a large roofscape with lights to allow for a room in the roof. The properties are designed so that the western half of the semis effectively has a gabled façade, with the eastern halves located face on.
5. Whilst plot 1 appears appropriately detailed and situated for the surrounding area, plots 2-5 are located on significantly higher land. The design and layout of the plot leaves little room between the two sets of semis, with fairly narrow gaps present on the west of the plot, between Plot 5 and the rear of properties on Malt House Close, and between the side of Plot 2 and the rear of Stonewall Cottage to the east.
6. Whilst I acknowledge that overall the density of the proposal may not be out of character with other areas of the village, the layout of plots 2-5, when combined with the overall height of the properties and the extent of their mass, would dominate the site and appear out of place within the local environment. Due to the topography of the area the properties would appear significantly higher than the house to the east, and especially than the bungalows to the west. Such an effect would be noticeable from the street, as well as especially so when heading south along the public footpath towards the site, resulting in a scheme which would appear visually prominent within the area, with the massing and scale of Plots 2-5 appearing cramped and overdeveloped.
7. I therefore conclude that the proposed development would have a severe adverse effect on the character and appearance of the area. The scheme would be contrary to Policies CS.5 and CS.9 of the Core Strategy, which together state that the landscape character of the District will be maintained,

by ensuring that development takes place in a matter which minimises and mitigates its impact, that development will enhance the sense of place and be sensitive to its setting, existing built form, neighbouring uses and topography of the site and its locality.

Living conditions – neighbours

8. Due to the design of the semi-detached blocks of houses, Plot 5 has a gabled frontage, with a longer side elevation to the west. The appellant notes that this side elevation will be located some 12m from the eastern elevations of the bungalows to the west, and that the proposal will remove existing dense landscaping from the site edges, opening up daylight and views for the residents of the surrounding properties. However, and whilst noting that the rear of the proposed properties are cut into the ground, the effect of such a large side elevation at only 12 metres from the rear of the closest bungalow would have the potential to have a severe adverse effect on the living conditions of the residents of this dwelling. I noted on my visit that the bungalows are set below the level of the appeal site, and that the properties have large windows located on their rear elevations. This issue would be particularly acute in terms of the effect on the residents of the middle of the run of three bungalows to the east.
9. A sun path analysis submitted demonstrates that the proposed dwellings would have little effect on the sunlight reaching the closest properties on the east or west of the site, and the removal of landscaping may have a slight positive effect at certain times of the year. However, whilst I acknowledge that sunlight and daylight may not be adversely affected, the outlook for the residents of the bungalow would be adversely affected. At such proximity and due to the lower siting of the central bungalow, the substantial two storey side elevation and pitched roof visible from this property would appear overbearing from the rear windows and garden of this bungalow, in a way that the soft nature of foliage, even in mature landscaping does not do.
10. Plot 2 is closest to the property on the east side of the plot. This property, referred to as Stonewall Cottage, is a fairly large house which is set into the hillside. This building has dormer windows to its front overlooking the close. There is also a dormer window on the rear of this property which looks directly towards the appeal site. The Council note that this house lies at a distance of only 4.2m away from Plot 2. Whilst I note that the angle of this property would look 'past' the proposed Plot 2, and the appellants view that the removal of landscaping and the possible white rendering of the side elevation of Plot 2 would assist in reducing any adverse effects on Stonewall Cottage, the sheer proximity of Plot 2, particularly when combined with the topography and the increased height of Plot 2 over Stonewall Cottage would mean that the mass and bulk of Plot 2 would be overbearing to the residents of Stonewall Cottage.
11. I therefore conclude that the proposed development would have an adverse effect on the living conditions of neighbouring residents, with regard to outlook. This would be contrary to a core planning principle of the National Planning Policy Framework (the Framework), which states that planning should always seek a good standard of amenity for all existing occupants of land and buildings.

Living Conditions – Future Residents

12. Concerns are raised over the garden sizes proposed for Plots 2-5 and the effect of proposed and existing landscaping for these properties. The area at the front of these units would be largely given over to hard landscaping for car parking and circulation, but each plot would have an area of rear garden. The site is longer behind plots 4-5 and consequently these units would have a larger area than plots 2-3.
13. The proposal is accompanied with a detailed landscaping scheme which proposes various measures, including supplementary trees and hedgerows. Due to the orientation of the plots, these could result in large parts of the rear gardens of Plots 2-5 being shaded for much of the time, particularly those with a smaller rear area, namely Plots 2-3.
14. The landscaping scheme has been formulated partially to mitigate the effect of the proposal upon neighbouring residents. The appellant has suggested that the landscaping scheme be withdrawn and a new one could be conditioned. Notwithstanding issues of effects on neighbouring residents which I have concluded above would be adverse, I agree that a landscaping scheme in isolation could be prepared which would allow for a satisfactory quality of rear garden space for Plots 2-5.
15. I therefore conclude that with appropriate conditions the future residents of the proposed development would experience reasonable living conditions, with regard to provision and quality of private amenity space. In this respect the proposal could comply with the Framework in providing a good standard of amenity for all future occupants of land and buildings.

Highway Safety

16. Top Street is a reasonably quiet road, which had fairly low levels of traffic using it during my visit. On street parking was fairly prevalent but at the time of my visit this did not create a significant issue in terms of highway safety. Evidence notes that there have been no reported traffic collisions in the vicinity of the site for 5 years up to October 2016. A survey notes that the average speed of traffic is lower than the 30mph speed limit, largely due to the bends in Top Street and the existence of the on street parking.
17. The access to the site would be widened and improved from the current access, which already serves the Willows. However, visibility from the access is to a certain extent restricted due to the existence of a phone box, telegraph pole (to be moved) and utility cabinets. Visibility would be possible behind the street furniture but would be partially blocked to the left when inching forward, to be provided with adequate visibility again in front of the furniture. A submitted drawing shows that visibility splays of 2.05m by 27m to the left could be achieved. Under such circumstances a larger longer car, such as the Skoda Octavia detailed in the evidence would very slightly overhang the carriageway when looking to the left to exit the site. However, any pedestrians and cyclists would have been visible from behind the street furniture and I consider that any driver exiting the site would inch out and safely exit onto the lightly trafficked street. Furthermore, any motor vehicles, pedestrians or cyclists approaching from the left would have a good view of cars exiting the proposed access.

18. The traffic generation from 5 new units would not have a significant adverse effect on local traffic levels on the quiet street. I also note that the County Highways Officer has no objection to a subsequent scheme for 3 units on the site, subject to conditions. I consider that the additional traffic generated by 2 further units would not be significant, and subject to conditions including securing the required splays, would not have an adverse effect on highway safety.
19. The proposal provides for two parking spaces for each dwelling, as well as the existing dwelling on site. Such spaces are open, aside from those for Plot 1 which would have a covered parking area but also an additional informal space to the side. Such a quantum of parking areas would be acceptable for the proposal and would not likely lead to on street parking in the area being increased.
20. I therefore consider that, with the imposition of suitable conditions, the proposed development would not have an adverse effect on highway safety in Top Street, and would comply with Policy CS.26 of the Core Strategy, which states that development will only be permitted if it ensures that the scale of traffic generated by the proposal is appropriate for the standard and function of the area's roads and contains the implementation of necessary works to the highway.

Conclusion

21. Whilst I have found that, subject to conditions, the proposal would not have an adverse effect on highway safety, and that, in isolation, the scheme would realise a satisfactory quality of rear amenity space for the proposed dwellings, I have concluded that the proposal would have a severe adverse effect on the character and appearance of the area and upon the living conditions of neighbouring residents. Whilst the proposal would provide 5 additional houses for the area, the Council appear able to demonstrate a five year supply of deliverable housing land and the proposal would be contrary to the development plan.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR