
Appeal Decision

Site visit made on 24 April 2017

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

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

Decision date: 12 May 2017

Appeal Ref: APP/J3720/W/16/3164728

Land at the rear of 187 Evesham Road, Stratford-upon-Avon

- 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 M Barnes against the decision of Stratford-upon-Avon District Council.
 - The application Ref 16/02496/FUL, dated 29 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is a dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address in the banner heading above from the planning application form and the Council's decision notice. However, it is apparent in correspondence from the main parties that the site is to the rear of 181 or 182 Evesham Road. Given that all parties agree that the appeal site is shown accurately on the submitted plans, I see no reason to amend the address.
3. The Council advises that it can demonstrate a five-year housing land supply which has not been disputed by the appellant. Therefore, I have dealt with the appeal on the basis that a five-year housing land supply exists.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed access on highway safety and the efficient operation of the highway network in the vicinity of the appeal site; and,
 - the effect of refuse collection arrangements on the living conditions of future occupiers.

Reasons

Character and appearance

5. The appeal site is located to the rear of Evesham Road within a mostly residential area. It is characterised by mainly twentieth century dwellings, along Evesham Road and Shottery Road, to the north, with long narrow
-

gardens stretching back towards a rear access track, known locally as 'Wheelbarrow Lane'. The site was once part of the long garden of a house fronting onto Evesham Road but now forms a separate grassed area enclosed by a low post and wire fence with vegetation to the southern and western boundaries. It is flanked by long gardens, some sub-divided, in a relatively open setting.

6. Although there are some low-level outbuildings and garages towards the rear of the gardens, there are no dwellings fronting on to this part of the lane. A builder's yard is located to the west and there is more recent housing development along Brownlow Drive to the east, but the area between comprises of mainly garden land and soft vegetation. The introduction of a two-storey dwelling, with a pitched roof, midway between a series of linear rear gardens off the narrow access track, would inevitably appear incongruous.
7. There would be public views of the dwelling from the northern end of Brownlow Drive and views from properties in the area. Whilst the access lane is described as private, its use by dog walkers, whether legitimate or not, is acknowledged. It is also an access to some of the rear gardens of properties fronting Evesham Road and Shottery Road. Though views could be mitigated to some extent by landscaping, a two storey dwelling would still appear prominent. In any event, its location would be out-of-keeping with the established pattern of development in the area.
8. The Council advises that the site was included in the 2012 Stratford-on-Avon Strategic Housing Land Availability Assessment (SHLAA). However, it relates to sites being promoted for development and whilst they are subject to an initial suitability assessment, it does not confirm that the principle of development is established. The appellant quotes an extract in relation to the site which says that '*there may be some potential for infilling*', though the appellant also advises that the site was subsequently rejected. In any event, specific proposals must be assessed against the policies in the current development plan, which is the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS).
9. It is submitted by the appellant that the proposal is in accord with the development strategy for Stratford-upon-Avon in CS Policy CS.15. The third bullet point of part A refers to the redevelopment and re-use of suitable land and property within the built-up area boundary on the policies map. However, whether a site is 'suitable' would be judged by the application of CS policies and is a matter of planning judgement.
10. The Council's decision notice and some third parties have indicated that allowing the proposal would set an unwelcome precedent for similar developments in the area. Whilst each application and appeal must be judged on its individual merits, I appreciate the concern that approval of this proposal could be used in support of similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern, as there are a number of rear garden plots in the area which could be subject to similar proposals. Allowing this appeal would make it more difficult to resist further planning applications for similar developments and I consider that the cumulative effect would exacerbate the harm which I have described.
11. The above factors lead me to conclude that the proposed development would cause significant harm to the character and appearance of the area. It follows

that it would be contrary to Policy CS.9 and Policy CS.15 of the CS which, amongst other things, aim to ensure that development reflects the character and distinctiveness of the locality and that its scale is appropriate to its immediate surroundings.

Highway safety and efficient operation of the highway network

12. The proposed access to the site would be via the private track, known as Wheelbarrow Lane, which would itself be accessed from the turning head of the public highway at Brownlow Drive.
13. CS Policy CS.26 says that development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise from that development. Paragraph 32 of the Framework indicates that decisions should take account of, amongst other things, whether safe and suitable access to the site can be achieved.
14. The Council suggest that the route is already used by vehicles to access the rear gardens and garages of some of the properties along it, but do not refer to any evidence that this use has resulted in accidents or conflicts with other users. The relevant section of the lane is straight with reasonable visibility. The number of vehicles likely to use it would be mainly limited to those accessing the rear of the properties along it. The very nature of the lane with its various constraints, including its narrowness and surface, would be likely to generate a level of caution in the behaviour of users. Though it would be the only access to the proposed dwelling, with two parking spaces, the relative increase in use would not be significant.
15. I note that the relevant highway authority, Warwickshire County Council, raised no objection to the proposal in relation to safety or the operation of the highway network, subject to suitable conditions. Whilst the private access is a narrow single track route and about 60 metres from the public highway at Brownlow Drive, I do not consider that the level of additional traffic generated would be likely to have a significant adverse effect on the safety of vehicle or pedestrian users or on the efficient operation of the highway network.

Refuse collection

16. The Council's third reason for refusal also relates to the access and refers to the distance between the site and the likely refuse collection point, some 60 metres away. Conflicting evidence has been presented by the main parties as to whether refuse vehicles would collect directly from the site of the proposed dwelling.
17. Whilst my attention has been drawn to relevant guidance contained in the Manual for Streets, I note that the highway authority did not consider this sufficient reason to object to the proposal. Whatever the final decision reached by the refuse collection service, I do not consider that the level of inconvenience to future occupiers would have a significant detrimental effect on their living conditions. Neither do I find that it would be likely to adversely affect the safe use of the highway network. Therefore, it would not constitute an 'unacceptable transport impact', in terms of CS Policy CS.26, or conflict with the Framework.

Other matters

18. Whilst I am aware that the appellant's agent has expressed concern about the conduct of aspects of the original planning application process, that is a matter for the Council. Both main parties have had the opportunity to present their case during the course of the appeal and I have decided the matter on its merits.

Conclusion

19. Although the proposal would not have significant adverse effects on highway safety or on the living conditions of future occupiers, the substantive harm to the character and appearance of the area is decisive. It leads me to conclude that, for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR