
Appeal Decision

Site visit made on 10 May 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 30 May 2017

Appeal Ref: APP/J3720/W/17/3169521

Land adjacent 13 Oaktree Close, Moreton Morrell, Warwick CV35 9BB

- 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 Tim Inglefield against the decision of Stratford on Avon District Council.
 - The application Ref 16/02536/FUL, dated 1 July 2016, was refused by notice dated 20 December 2016.
 - The development proposed is erection of two terraced dwellings and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two terraced dwellings and associated works at land adjacent 13 Oaktree Close, Moreton Morrell, Warwick CV35 9BB in accordance with the terms of the application, Ref 16/02536/FUL, dated 1 July 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effects on the character and appearance of the area and on the living conditions of the future occupiers of the proposed dwellings.

Reasons

Character and appearance

3. The proposed dwellings would respect the building line and ridge height of Number 13 and its neighbours and would read as an extension to the existing terrace on the west side of Oak Tree Close. The properties within the Close vary in terms of their detailed design, for example in respect of the use of flat or bay windows and the presence or absence of a front porch and a feature gable to the front of the property. The proposal would, however, be in keeping with the general character and appearance of the other properties by means of the proposed use of facing brickwork, painted render to the first floor front elevation, and concrete tiles for the roof cladding.
 4. The proposed dwellings would be of slightly narrower width than the other properties in the terrace. Given the existing variety in the design and appearance of Numbers 13-18, and in the Close as a whole, this deviation would not appear incongruous or out of place. Its visual effect would be reduced because the front elevations of the extended terrace would be broken up by the strong gable feature to No 13 itself. Because of this interruption to
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the predominant eaves line the two new dwellings would appear in balance with the properties at Nos 14 and 15.

5. Only the front part of the appeal site is visible from the street as the rest is screened by a fence of about 1.8 metres in height. In its current state and condition it has a mildly negative effect on the character and appearance of the area. The proposal would not encroach on the amenity land to the side of the appeal site or interrupt the views which are available across this land to the children's playground and playing fields. It would also have a minimal effect on the sense of openness within the Close which derives mainly from the large, central green space and the amenity area in front of the playing fields.
6. Accordingly, I find that there would be no harmful effect on the character and appearance of Oaktree Close and no conflict with Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031) (Core Strategy) which requires that development proposals should be of high quality design and be sensitive to their setting.

Living conditions

7. The assertion within the reason for refusal that the proposal would not ensure a good standard of amenity for the future occupiers of the dwellings has neither been expanded upon nor substantiated in the Council's appeal statement. The rear gardens would be smaller than those of neighbouring properties. 'Meeting Housing Needs in Stratford-on-Avon District' is no longer a Supplementary Planning Document but that guidance required a garden area of 40 square metres (sq. m) minimum for a 2 bedroom house. At approximately 45 sq. m the gardens proposed in the appeal scheme would exceed that minimum requirement. Given this size and their regular shape these would provide an adequate area of usable private amenity space for the occupiers of each of the dwellings.
8. The Council has not raised any concerns about the size of the internal living space to be provided and no minimum standards for such provision have been drawn to my attention. No evidence has been submitted that the bedrooms and living rooms would not be of an adequate size to ensure an acceptable standard of amenity for the future residents of the properties.
9. There is, accordingly, no evidence that the design of the dwellings and their private amenity spaces would have a detrimental effect on the living conditions of the future occupiers. I therefore find no conflict with the requirement set out in Core Strategy Policy CS.9 (8) that all proposals should ensure a good standard of space and amenity for the occupiers.

Other Matters

10. Whilst I note the concerns about pressure on parking the surveys demonstrate that there is sufficient on-street parking to accommodate the level of parking likely to be generated. Concerns have also been raised about the potential loss of trees in the adjacent amenity space but the arboricultural report confirms that these would not be at risk subject to appropriate protection measures during the construction works. The potential wider effect of construction works on the amenity space and of construction traffic more generally, could satisfactorily be dealt with by means of a planning condition requiring a

Construction Method Statement to be approved prior to the commencement of works.

11. Moreton Morrell is designated as one of the Category 4 Local Service Villages which are expected to provide a total of 400 new homes over the plan period to 2031. Core Strategy CS.16 states that no more than 8% of this total (32 homes) should be provided in any one village. As only 3 new homes have been approved in Moreton Morrell to date, there would be no adverse effect on the Council's development strategy. The appeal site is located within Flood Zone 1 and I have seen no evidence that the site cannot be drained in a satisfactory manner.
12. The 2 homes proposed would contribute to meeting housing needs in the District and would provide economic benefits in terms of the investment and employment involved in their construction. These social and economic benefits are of significant weight.

Conditions

13. The conditions set out in the attached schedule are based on those suggested by the Council and I have had regard to the appellant's comments on these. Where necessary I have amended the wording of conditions to ensure they are clear and precise and to meet the requirements set out in the Planning Practice Guidance.
14. I have not adopted the Council's suggestion of a condition removing the normal permitted development rights attaching to residential properties. The officer's report confirms that the proposal meets the normal standards with regard to privacy and overlooking of neighbouring dwellings and does not identify any particular risks in that respect. No need has, therefore, been established for such a condition.
15. Permission is granted in accordance with the terms of the application but, in the interests of clarity, a condition is needed to tie the planning permission to the approved plans. To ensure a high quality of development in keeping with the surroundings a condition is needed to require the approval of samples of all external facing materials to be used. For the same reason conditions that require the approval and implementation of a landscaping scheme and the replacement of any trees or other plants that subsequently die or are otherwise lost are also needed.
16. In the interests of protecting the living conditions of nearby residents and avoiding unnecessary disruption to the highway a condition is needed requiring the approval of a Construction Method Statement. A condition is also needed to require the implementation of the tree protection methods recommended in the arboricultural report to ensure that no damage is caused to the trees adjoining the site. All of these conditions need to be discharged prior to commencement so as to avoid any damage or harm and potentially abortive works.
17. Conditions have also been attached which require the provision of refuse storage and recycling bins and of a water butt to serve each of the dwellings before these are occupied. These are necessary to ensure that the proper provision is made for the storage and handling of waste and to encourage the re-use of rainwater.

Conclusions

18. For the reasons set out above I find that no material harm would be caused by the proposed development and that it complies with the development plan. The proposal would constitute sustainable development and, in accordance with paragraph 14 of the National Planning Policy Framework, planning permission should be granted without delay.
19. The appeal is therefore allowed.

Paul Singleton

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 plans: Location Plan; Drawing No. 940-01- Existing Floor Plans and Elevations; Drawing No. 940 -03B – Proposed Floor Plans, Site Plan and Elevations.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:
 - i) planting plans;
 - ii) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
 - iii) the means of accommodating changes in level (e.g. steps, retaining walls, ramps) where appropriate;
 - iv) hard surfacing materials- details of manufacturer, type and design, colour and bonding pattern where appropriate; and
 - v) the position and design of all site enclosures.

The approved scheme shall be carried out concurrently with the development and be completed prior to the first occupation of the development hereby permitted.
- 5) If, within a period of five years from the date of the completion of the soft planting works undertaken as part of the approved landscaping scheme, any trees, shrubs or other plants are removed, uprooted, destroyed or die, or become seriously damaged or defective, they shall be replaced by planting as originally approved, unless the local planning authority gives its written approval to any variation. Replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.
- 6) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the hours of working during the construction works;
 - ii) the hours for making deliveries to or for the collection materials or waste from the site;
 - iii) the parking of vehicles of site operatives and visitors;

- iv) loading and unloading of plant and materials;
- v) the storage of plant and materials;
- vi) measures to control the emission of dust and dirt during construction; and
- vii) a scheme for recycling/disposing of waste resulting from the construction works.

The terms of the Construction Method Statement shall be adhered to throughout the duration of the construction works.

- 7) The development hereby permitted shall be carried out in full accordance with the arboricultural method statement produced by Higgins Associates Arboricultural Consultants dated November 2016. All tree protection measures recommended in that method statement shall be put into place prior to the commencement of development and shall remain in place until all external building and construction works have been completed.
- 8) Neither of the dwellings hereby permitted shall be occupied until it has been provided with 3 bins for the purposes of refuse, recycling and green waste in accordance with the District Council's bin specifications for the use of the occupiers of that dwelling.
- 9) Neither of the dwellings hereby permitted 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 a rainwater downpipe.

End of Schedule of Conditions