
Appeal Decision

Site visit made on 9 May 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/J3720/W/17/3169066

1 High Street, Stockton, Southam CV47 9JZ

- 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 Bee Tee (Builders) Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 16/01846/FUL, dated 3 June 2016, was refused by notice dated 16 December 2016.
 - The development proposed is erection of 5 new dwellings and alterations to existing bungalow including access, parking and garaging arrangements for all properties.
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Decision

1. The appeal is dismissed.

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 retained bungalow having regard to outlook.

Reasons

Character and appearance

3. The principle of the site's use for a larger number of dwellings has been established through planning permission Ref 14/01619/FUL for the demolition of the existing bungalow and redevelopment of the site for five new dwellings. The appeal proposal seeks to retain and re-use the bungalow with five new dwellings to be developed on the remaining area of the appeal site.
 4. The proposed layout generally respects the linear form of development in the surrounding streets. The considerable set back of the bungalow from the site's frontage to Mount Pleasant would interrupt that pattern and its incorporation within the new layout would result in a somewhat contrived appearance in the context of the immediate locality. However, as the central positioning of the bungalow in such an extensive plot is itself at odds with the character of the village centre, this would not cause significant detriment to the character and appearance of the area. Neither this, nor the fact that some of the proposed garden areas would be small in comparison to other nearby properties would justify a refusal of planning permission in terms of the effect on the character and appearance of this part of the village. I
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therefore find no conflict with Policy CS.9 of the Stratford-on-Avon District Core Strategy (2011-2031) (Core Strategy) in this respect.

Living conditions

5. The Council's Extending Your Home planning advice note suggests a minimum separation distance of 13 metres (m) between the side and rear elevations of dwellings. Although primarily aimed at residential extensions this guidance provides a good benchmark against which to assess the likely effects of the development. The proposed layout would fail to achieve that minimum separation in respect of the relationship of the new dwellings with the retained bungalow. Standard separation distances should not slavishly be applied in every case but the significant fall in ground level across the site increases the need for care with regard to the relationship between the existing and proposed dwellings. In this case the close spacing of the new dwellings around the bungalow would result in there having a dominant and oppressive effect on the outlook from that property.
6. The double garage to Plots 5 and 6 would have a rear elevation of about 6.4m and would stand above the floor level of the bungalow. At only 1m from the boundary to Plot 4 this would have an overbearing effect when viewed from the bungalow's kitchen window and from bedrooms 2 and 3. The boundary fence between Plots 4 and 6 would be in very close proximity to the bungalow and would also appear oppressive when viewed from those bedrooms.
7. Due to its proposed siting and height the fence to the south east boundary of Plot 4 would severely restrict views from the bungalow's lounge and would be overbearing and oppressive for the occupiers when using that space. Because of the failure to achieve the recommended separation distances the two storey houses on Plots 1-3 would also have a negative impact on the outlook from that room and from bedroom 1.
8. The proposal would cause unacceptable harm to the living conditions of the future occupiers of the retained bungalow. It would fail to meet the guidance in the Planning Advice Note and would conflict with Core Strategy Policy CS.9 Part B (2), which requires that proposals should be sensitive to neighbouring uses and Part B (8), which states that occupants of neighbouring buildings should be protected from adverse surroundings.

Other Matters

9. The new accesses on all three frontages would provide satisfactory visibility for drivers of vehicles emerging onto the highway and the level of their use would be relatively modest. I see no reason to conclude that the access to High Street would not operate in a safe and satisfactory manner, notwithstanding its proximity to the bus stop and road junction. The reconstruction of the footway on Mount Pleasant and the creation of a footway on the south east side of Mount Pleasant Close would help to improve the safety of pedestrians using these routes.
10. The scheme would provide one additional dwelling compared to the scheme that has previously been approved. However, as that additional dwelling would be achieved at the cost of significant harm to the future occupiers of the retained bungalow the proposal does not represent a sustainable form of development. The provision of one additional dwelling is of limited weight

given the Council's evidence that housing completions and commitments already exceed the level of development planned in Stockton over the plan period to 2031.

11. The proposal would provide some limited benefit in terms of improved footways around the site but this would not be sufficient to outweigh either the harm that would be caused or the resultant development plan conflict.

Conclusion

12. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR