
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/17/3169076

15 Sanctus Drive, Stratford-upon-Avon CV37 6DJ

- 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 W Murphy against the decision of Stratford on Avon District Council.
 - The application Ref 16/03987/FUL, dated 12 December 2016, was refused by notice dated 19 January 2017.
 - The development proposed is construction of a new 2 bedroom house following demolition of existing 1 storey side extension, with new access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the street and on the living conditions of the future occupiers of the proposed dwelling.

Reasons

Character and appearance

3. The design of the proposed dwelling would be in keeping with that of neighbouring properties. The resultant five-unit block would deviate from the standard pattern of development in the street but this deviation would not have a significant effect on the character and appearance of Sanctus Street. The loss of most of the parcel of open land outside of the fenced curtilage to number 15 would, however, have a harmful effect.
 4. With Sanctus Court being set within a large landscaped area and most of the other dwellings standing behind open forecourts the street has a general feel of openness. Although it is private land the grassed area within the appeal site reads as part of the public realm and contributes to the open character of the street. The existing, single storey side extension, which is of limited depth and is partially screened by the boundary fence, does not have a significant effect on that sense of openness.
 5. The appeal proposal would result in the loss of most of the open land which is currently outside of the fence and its replacement with a two storey dwelling with a depth matching that of the existing dwellings. The full height gable elevation to the new dwelling would stand in very close proximity to the back
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of the footway as this turns through the bend in the road. Due to its siting and scale the proposed development would have a cramped appearance within its constrained plot and would have a significant adverse effect on the open character of this part of the street. The two trees within the grassed area would be retained but their amenity value would be diminished due to the close proximity of the gable wall and new boundary fence.

6. The proposal would, accordingly, cause significant harm to the character and appearance of Sanctus Drive and conflict with Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031) (Core Strategy). This states that all forms of development will improve the quality of public realm and enhance the sense of place, reflecting the character and distinctiveness of the locality, and that all proposals should be of a high quality of design. It would also conflict with Policy CS.15 insofar as that policy requires that the design of proposed development is appropriate to its immediate surroundings.

Living conditions

7. Excluding the bin storage area, the garden to the rear of the property would extend to approximately 20 square metres (sq. m) in area and would represent a very small private amenity space for use by the occupiers of the dwelling. The garden to the side would be of very limited use as a private amenity space because of its constrained shape and it being overlooked from the footway. Hence, although the total area of garden proposed might not fall below the typical area of 40 sq. m it would provide a poor standard of amenity in terms of its usability and value.
8. This deficiency would have an adverse effect on the living conditions of the future occupiers of the dwelling. The proposal would, therefore, conflict with the requirement in Core Strategy Policy CS.9 (8) that proposals should ensure a good standard of space and amenity for occupiers. It would also fail to meet the requirement in paragraph 17 of the National Planning Policy Framework that planning should seek a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusions

9. The development of a 2 bedroom dwelling would contribute to meeting housing needs in the District and would provide some economic benefit in terms of the investment and employment involved in its construction. However, the modest scale of those potential benefits would not outweigh either the harm that would be caused or the resultant conflict with the development plan.
10. For the reasons set out above I conclude that the appeal should fail.

Paul Singleton

INSPECTOR