
Appeal Decision

Site visit made on 23 May 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 23 June 2017

Appeal Ref: APP/J3720/W/16/3163893

Land to the rear of Greenbank Cottage, Headland Road, Welford-on-Avon, Warwickshire CV37 8EJ

- 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 Dr Andrew Newton against the decision of Stratford on Avon District Council.
 - The application Ref: 16/00974/FUL, dated 18 March 2016, was refused by notice dated 3 June 2016.
 - The development proposed is the construction of a house, detached carport and log store, demolition of existing double garage and construction of replacement double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Stratford-on-Avon District Core Strategy 2011-2031 (CS) was adopted on 11 July 2016 after the application was determined but before the appeal was started. Consequently, all interested parties have had an opportunity to consider this change of policy context in their submissions.
3. The proposal was amended after the application was determined, as reflected in the following plan: 434-20 REV G. The appeal process should not normally be used to evolve a scheme. However, all interested parties have had an opportunity to respond to this change. I am satisfied that their interests would not be prejudiced and have, as a result, taken this plan into account in reaching my decision.
4. The Council has relied upon the conclusions of a previous appeal decision¹ for the site in their evidence. Whilst I have considered the issues afresh, I have nonetheless taken this decision into account in this appeal because it responds to fundamental issues that are not dependent on the current policy context.
5. The appellant has drawn my attention to a number of additional appeal decisions². Whilst I have paid careful attention to them the circumstances are not similar in all respects because the existence of a deliverable five year housing land supply has since been established. They were also either in the

¹ APP/J3720/A/89/144994/P3 and APP/J3720/A/90/158898/P3

² APP/J3720/A/13/2196132; APP/J3720/A/14/2215042; and APP/J3720/A/15/3133509

setting of different listed buildings or involved the demolition of an existing dwelling. Consequently, these decisions only carry limited weight in the balance of this appeal which has been determined on its individual merits and the evidence before me.

6. The village has an emerging Neighbourhood Plan (NP) that has been examined but is yet to pass referendum stage. Consequently, this appeal has been determined in accordance with the development plan having regard to the emerging policies of the NP, insofar as they may be relevant.

Main Issues

7. The main issues are the effect of the proposal on:
 - the character and appearance of the local area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of nearby listed buildings, The Church of St Peter, Church View and Lych Gate Cottage, and the extent to which it would preserve or enhance the character or appearance of the Welford-on-Avon Conservation Area; and
 - the safe and efficient operation of Headland Road.

Reasons

8. The appeal site is a broadly rectangular plot of land situated to the rear of three existing properties that front onto Church Street which take the form of a short row of terraced, timber frame cottages. The site comprises a communal parking area with a double garage and a garden that currently serves one of the aforementioned cottages. The site is enclosed by a hedgerow and low wall with an existing access point onto Headland Road. The proposed scheme is to construct a one and a half storey, thatched house facing onto this road. A detached timber-framed garage would replace the existing garage and an additional car port and log store would also be constructed. The western boundary of the site would be removed and replaced with a grass verge and two, short sections of hedgerow either side of the proposed dwelling.

Character and appearance

9. The Church of St Peter is a Grade I listed building that dates from the 13th century. It is constructed from coursed limestone and sandstone rubble with ashlar dressings and a clay tile roof. It has a two bay chancel and nave with a lean-to vestry and isles. A crenelated tower, with a tall lower stage, rises from the western end of the building. A covered porch projects from the southern elevation which faces towards the appeal site. The church is on raised ground and set back within a churchyard. Its elevated position and low retaining wall is such that it has a high degree of visual prominence. The closely juxtaposed historic buildings of the village that have formed around the church indicate its pivotal role in the development of this nucleated settlement. Given the above, I find that the setting of this listed building, insofar as it relates to this appeal, to be primarily associated with its well-preserved, traditional village context.
10. The three terraced cottages immediately to the north of the appeal site are Grade II listed buildings dating from the 17th century with later additions. Greenbank Cottage is the easternmost dwelling and is a timber frame building with rendered brick infill on a rubble plinth with a steeply pitched, tiled roof. It has a single story with two early 20th century attic dormers. The adjoining

dwellings, Church View and Lych Gate Cottage, are timber frame buildings with plaster infill on a rubble plinth with a half hipped, thatched roof. They have a single storey with three eyebrow dormers facing Church Street. The open frontages, simple grass verge and limited setback from the road are such that these buildings play an active role in defining the highly picturesque street scene in this part of the village. Given the above, I find that the setting of these listed buildings, insofar they relate to this appeal, to be primarily associated with their layout and prominence as experienced from the Church Street and around the junction of Boat Lane and Headland Road.

11. The Welford-on-Avon Conservation Area (CA) was originally designated in 1969 and is centred on historical routes that converge on two, small village greens. It has a varying character with a range of architectural styles, materials and layouts. Locally dominant thatched, timber frame buildings help to create a strongly picturesque, unified, localised character. Most of the buildings of the CA are two stories in height and set back from nearby roads within their own gardens. Mature trees and hedges give the CA a verdant, rural quality which is further reinforced by the vernacular architecture and generally small scale of its traditional buildings. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its layout, vernacular architecture and rural character.
12. I observe from the plans and my site visit that the proposal would lead to a radical change in the character and appearance of the existing street scene with the removal of the existing boundary and the creation of a new dwelling in a largely undeveloped area. I accept the design incorporates traditional architectural elements and has attempted to respond to the site context in a sensitive manner. I also accept that the area immediately to the fore of the main elevation would have a degree of commonality with the frontages of Church Street and a thatched barn that previously occupied the site. Nevertheless, the proposed residential building would lead to an intrusive, modern pastiche and a creeping suburbanisation of a garden area on one of the main approaches to the CA and the Church. I am not satisfied that this impact can be resolved through design given the highly sensitive nature of the appeal site which forms an effective visual buffer from the uncompromisingly modern development along Headland Road. It not only serves to preserve the setting of the listed buildings but also contributes to the verdant, rural character of the CA. As noted by the previous Inspector, I find that a new dwelling on the appeal site would erode the fundamental character of the village and blur its visually distinct, historic core.
13. The proposal would cause significant disruption to the harmonious visual juxtaposition of the historic buildings around the junction of Boat Lane, Church Street and Headland Road. This impact would not only arise from the architectural pastiche but also from the increased prominence of the parking area that would result from the proposed visibility splays and removal of the, albeit degraded, hedgerow. This suburbanised expanse would create a highly distracting feature that would erode the prominence of the nearby cottages that help to define the historic setting of the Church. The building would also be clearly visible from multiple viewpoints in and around the junction as well as from the churchyard. Whilst I accept that views from the latter would not be possible from the more frequently used areas, it would nevertheless be clearly visible from other areas. Taken together, these effects would be highly

detrimental to the setting of the listed buildings and the character of the CA as a whole.

14. The appellant is of the opinion that the concerns of the Council and the previous Inspector were partly founded on the potential disruption of an assumed historic layout to the rear of the nearby cottages. I accept the conclusions of the heritage statement insofar as it indicates that there was no clear historical link between the appeal site and the curtilage of any of the nearby cottages prior to 1921. Furthermore, it is clear that the extent of what was subsequently identified as an orchard on the 1900 OS map has significantly changed over time with a large part of it being incorporated in to the curtilages of Laburnum Cottage and the Old Tea Shop at some point after it was included on the Register of Common Land in 1969.
15. However, this evidence does not alter my conclusions because setting embraces all of the surroundings from which the heritage asset can be experienced. It does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset. It is not defined by the curtilage of a building which merely indicates patterns of past and present ownership, functional association and interdependency. Consequently, whilst the setting of a heritage asset will include its curtilage, it will generally be more extensive as is the case in this particular instance. Moreover, the site represents a remnant of a historic agricultural feature that the appellant acknowledges was once widespread and 'infiltrated right into the heart of the village'. Its function being indicated by the photograph of the thatched barn in the evidence of Mr Plimmer.
16. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the scheme. The appellant is of the opinion that it would be beneficial because it would improve views of the rear elevation of the nearby cottages, partially replace a degraded hedgerow, increase housing provision, re-use an area of land associated with the garage and parking area that has been previously developed, remove an unsympathetic double garage and would be sustainably located. However, none of these benefits would outweigh the harm that I have identified.
17. Given the above, I conclude that the proposal would fail to preserve the setting of the Grade I and Grade II listed buildings and the character of the Welford-on-Avon Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policies CS.9 and CS.8 of the CS that seek, among other things, to ensure that all development is sensitive to its setting and the existing built form and also protects the historic environment. As a result the proposal would not be in accordance with the development plan.

Highway Safety

18. I acknowledge that the width of Headland Road is restricted and that the new dwelling would lead to an increased number of movements. However, my own observations indicate that the proposed splays would provide adequate sightlines that would allow emerging vehicles to anticipate oncoming traffic. Furthermore, it would not constitute a new access point onto the road with emerging vehicles constituting an established pattern of use that is familiar and therefore anticipated by local road users. Given the size of the dwelling, I am satisfied that there would be no significant intensification of movement that could lead to severe road traffic impacts. Additionally, the grass verge would also provide a refuge for pedestrians when vehicles are passing, thus improving road safety.
19. Given the above, I conclude that the proposal would not cause significant harm to the safe and efficient operation of Headland Road and that it would therefore be consistent with policy CS.26 of the CS that seeks, among other things, to ensure that adequate mitigation is provided to avoid any unacceptable transport impacts arising from new development.

Other Matters

20. The appellant is of the opinion that the proposal constitutes sustainable development and that paragraph 14 of the Framework applies. I accept that it would be in a sustainable location and make an, albeit, small contribution towards the supply of housing. In these respects it would gain some support from the Framework. However, the proposal is contrary to a newly adopted development plan which is supported by a deliverable five year housing land supply. As a result, its policies are up-to-date and they also have a high degree of consistency with the Framework given the fact that the plan has recently been tested and found sound through public examination. Consequently, the presumption in favour of sustainable development, as set out in paragraphs 14 and 49, does not apply.
21. I acknowledge that the Council found the principle of development acceptable and indicated that the site could be developed in pre-application discussions. This is because policy CS.15 of the CS indicates that limited infill in Category 2 Local Service Villages is supported when sites are suitable. The officer's report emphasises this fact by making it clear that suitability is subject to an assessment of all other material considerations, including the effect of the proposal on the historic environment. Consequently, the principle of development, whilst generally applicable, does not apply given the constraints that have been identified in relation to the proposed development. Turning to the pre-application advice, it is just that and the Council is entitled to reach a decision on the basis of all the available evidence. Consequently, these matters only carry limited weight in the planning balance of this appeal.
22. The appellant has suggested that part of the site is previously developed land. Whilst I accept that this applies to the parking area and garage this is not the case for the garden area which forms the majority of the site. Annex 2 of the Framework specifically excludes land in built up areas, such as private residential gardens. As such, this consideration carries little weight in the balance of this appeal.

Conclusion

23. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR