



Appeal Decision

Site visit made on 6 June 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/J3720/W/17/3169827

78 Tiddington Road, Stratford-Upon-Avon CV37 7BA

- 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 and Mrs Dewhirst against the decision of Stratford on Avon District Council.
 - The application Ref 16/02445/FUL, dated 18 July 2016, was refused by notice dated 5 December 2016.
 - The development proposed is demolition of existing dwelling and construction of replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed dwelling on the living conditions of the occupiers of 80a Tiddington Road in respect of outlook; and the effect of the proposed dwelling on the character and appearance of the area with particular regard to the Stratford-upon-Avon Conservation Area (SuACA).

Reasons

Living conditions

3. No 80a is located to the north east of the appeal site and is a modern detached dwelling with a linked triple garage projecting forward of the main house. The shared boundary comprises a mature hedge.
4. Set in from the shared boundary with No 80a the development would introduce continuous built development, comprising a single storey garage, the two storey side gable of the replacement dwelling and single storey rear buildings which would form a gym and indoor swimming pool.
5. The two storey element of the proposed dwelling and the single storey gym building would be broadly adjacent to the triple garage and associated link extension serving No 80a. Therefore, due to their orientation away from habitable room windows and garden areas at No 80a, these elements would not appear as overbearing additions and would not result in harm to the living conditions of the occupiers of No 80a.
6. However, the swimming pool building because of its proximity to the boundary would be viewed from the garden areas immediately to the side and rear of No 80a. Given its height of approximately 4 metres it would be seen above the

level of the existing hedge and would significantly project into the rear garden, beyond the rear elevation of No 80a. Given its depth and size it would appear as an overbearing addition harmful to the outlook from No 80a.

7. In coming to that view I accept that permitted development rights could be used to construct a 'pool house and gym' in broadly the same location as the proposed swimming pool building. However, even if such a building were permitted, it would be lower in height than the proposal. As such, the fallback position carries little weight.
8. Based on the above, I conclude that the single storey swimming pool building would have an unacceptable impact on the living conditions of the occupiers of No 80a, in respect of their outlook. Therefore, the proposed dwelling would conflict with the aims of Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031), which amongst other matters seeks to safeguard neighbours from adverse surroundings.

Character and appearance

9. The appeal site is located within the Stratford-upon-Avon Conservation Area (SuACA). The Tiddington Road Character Study (TRCS) assesses the character and appearance of the area. The area is characterised by substantial, individually designed dwellings in large plots, set back from the road behind deep frontages with long rear gardens, which gives the area a distinctly spacious character. This is also in part attributed to by the generous space about dwellings.
10. The existing dwelling is two storey and of traditional construction, with a hipped roof which slopes down towards its side boundaries. There are gaps between the existing dwelling and boundaries. In relation to No 80a, this is limited to the first floor. Consequently, the tallest part of the existing building is confined to the mid-section of the appeal site. The presence of dense landscaping to the side and front of the appeal site does part screen these gaps. Regardless of this though, the hipped roof design and space between the existing dwelling and neighbouring boundaries creates an important sense of space and separation between dwellings, particularly at roof level.
11. In contrast, the replacement dwelling would be of a contemporary flat roofed design. It would have a similar maximum height as the ridge height of the existing dwelling. A large proportion of the replacement dwelling would be set lower than the ridge height of the existing dwelling and would extend almost the entire width of the plot.
12. I accept that the replacement dwelling would include a single storey side 'drawing room' element set back from the principal elevation, which would not impact the width at first floor. Furthermore, the variation in height and use of setbacks and alternative materials would break up the overall scale of the building. However, these are subtle variations, which add interest to the design. Overall, the flat roofed design would result in a predominantly two storey building to a height of approximately 7m extending across nearly the entire width of the site. This would be further exacerbated by the fact that the appeal site is wider than adjoining plots.
13. Drawing on the above observations, I conclude that the increased massing of the replacement dwelling combined with its increase in size laterally to nearly

fill the entire plot would result in a dwelling which would be significantly larger than the dwelling it replaces. As such, it would be dominant and visually intrusive within the streetscene, when viewed from along Tiddington Road. Furthermore, the replacement dwelling would erode the gaps to the side of the plot. Therefore failing to reflect the character and distinctiveness of the locality. For these reasons the proposal would conflict with the design aims of Policies CS.9 and CS.20 of the Stratford-on-Avon Core Strategy (2011-2031).

14. In addition the development would fail to preserve and enhance the character and appearance of the SuACA and the significance of the heritage asset would be harmed. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The harm the proposal would cause to the significance of the SuACA would be less than substantial. Paragraph 134 of the National Planning Policy Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. The appellants' have submitted that promoting high quality design, which raises the design and the character of the Conservation Area, is a public benefit. Having already concluded that elements of the design, in particular the mass and width would cause harm to the character and appearance of the area, this does not outweigh the harm I have identified.
16. Accordingly, I find that the development would also conflict with Policy CS.8 of the Stratford-on-Avon Core Strategy (2011-2031), which seeks to protect and enhance heritage assets.

Conclusion

17. For the above reasons, the appeal should be dismissed.

M Aqbal

INSPECTOR