



Appeal Decision

Site visit made on 25 July 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/J3720/W/17/3174376

Purbeck House, Headland Road, Welford on Avon, CV37 8ER

- 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 Kendrick Homes Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 16/03298/FUL, dated 22 September 2016, was refused by notice dated 23 January 2017.
 - The development proposed is a residential development of 6 dwellings and associated garaging.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development of 6 dwellings and associated garaging at Purbeck House, Headland Road, Welford on Avon, CV37 8ER in accordance with the terms of the application, Ref 16/03298/FUL, dated 22 September 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development upon (i) the character and appearance of the area; (ii) the living conditions of the occupiers of 7 Headland Rise with regard to visual impact; and (iii) whether the development would be sustainable with regard to the proposed increased number of dwellings within the village.

Reasons

Character and Appearance

3. The site's rear boundary adjoins the Welford-on-Avon Conservation Area. The part of the conservation area which adjoins the site comprises fields which lie between the site's rear boundary and a public footpath. The conservation area itself extends beyond two junctions which are each marked by a green. Both of these are distinctive as one contains the parish church and the other contains a maypole. The buildings within the conservation area are varied. Some are picturesque thatched timber-framed cottages and some are brick or render with roofs of slate or clay tiles. The conservation area also contains a lot of greenery and the area as a whole is picturesque and tranquil.
4. Beyond its boundaries, the conservation area is surrounded by residential development of various age, size, height, layout and architectural design. Whilst the proposed houses would be somewhat larger than the majority of

other houses within the village, they would still be of two-storey proportions like other nearby dwellings. I consider that, amongst the huge variety of building types, another style and size would not look out of place. Furthermore, the group of houses would include design variations as advised by the Welford on Avon Village Design Statement.

5. Glimpses of the new roofs would be seen from the public footpath but I do not consider that the dwellings would be intrusive upon this footpath, especially as they would adjoin other residential development. Furthermore, the footpath is mostly enclosed on both sides by tall hedging which would provide a substantial screen. In addition, there are fields between the footpath and the appeal site and therefore, where views through the hedge exist, the semi-rural character of the area would stay intact. Given that the proposed development would be visually compatible within the existing mix of development surrounding the conservation area, I consider that the proposed houses would not harm the setting of the conservation area.
6. There is a collection of listed buildings along High Street which have long rear gardens adjoining the public footpath. The setting of these listed buildings is of a secluded and private domesticity within a semi-rural village environment. Views of them are obscured from the site by the tall hedging and, additionally, the fields would provide a large gap between them and the proposed development. Therefore, I consider that there would be no appreciable effect upon the setting of these listed buildings, and therefore no harm.
7. Overall, I conclude that the proposed development would have an acceptable effect upon the character and appearance of the area. Consequently, I find no conflict with Stratford-on-Avon Core Strategy 2011-2031 (CS) Policies CS.5, CS.8, CS.9 or CS.15. In combination, these policies seek to protect local distinctiveness and to preserve the character and appearance of the settlement, including the protection of the historic environment. Furthermore, I find no conflict with Paragraphs 131 or 132 of the National Planning Policy Framework (NPPF) which have similar objectives. Neither, do I find conflict with Paragraph 134 of NPPF as I find no harm to the significance of a designated heritage asset.

Living Conditions

8. The refused plan for Plot 2 included an external staircase which the Council says would overlook 7 Headland Rise. However, the appellant has submitted an amended plan¹ which removes this staircase. Given that this is a minor amendment that would reduce the scale of development, there is no prejudice to any party by me accepting it and I will base my decision on the amended plan.
9. The gable end of the house on Plot 2 would face the boundary with the rear garden of 7 Headland Rise. According to the Council, the main 2-storey bulk of the house would be about 15m away from the rear elevation of No 7. However, the triple garage would be closer. That said, the principal rear elevation of No 7 would face Plot 2 at a significant angle to the proposed garage so that views of it would not be "head on". In addition, the existing boundary is formed of a 2m fence and trees. Whilst the roof of the garage is fairly tall, its pitch would fall away from the joint boundary. Given the off-set

¹ 348-06-102 Revision A

orientation between the existing and proposed dwelling, the substantial boundary screening, and the roof design of the garage, I consider that there would not be a harmful impact upon the outlook from within No 7 or from within its wide rear garden. Due to the orientation and layout of the development, I consider that it would not harm the living conditions of the occupiers of any other nearby houses either.

10. I therefore conclude that the proposed development would not have a harmful effect upon living conditions. Consequently, I find no conflict with CS Policy CS 9 which seeks to ensure that development is sensitive to neighbouring uses.

Sustainability

11. Welford on Avon is a Category 2 Local Service Village (LSV). Policy CS.16 indicates that provision will be made for at least 14,600 additional homes in the district, of which approximately 2000 are allocated for the LSVs. It says that 700 of these homes are required in the Category 2 LSVs and that no more than around 12% should be provided in any individual settlement.
12. CS Policy CS.15 says that in LSVs development will take place on sites identified in a Neighbourhood Plan (NP) and through small-scale schemes on unidentified but suitable sites within their Built-Up Area Boundaries (where defined) or otherwise within their physical confines. CS Policy AS.10 reflects the aims and objectives of CS Policies CS.15 and CS.16.
13. I note the Council's reference to Policy HLU1 of the emerging NP which says that new residential development within the built-up area boundary will be supported providing it is on an infill site and is small scale, normally not more than five dwellings. As the net increase in dwellings would be five and because the site is adjoined by residential development to both sides, I find no conflict with this emerging policy.
14. The site is not allocated in the emerging NP but the Council agrees that the site is small-scale and within the physical confines of the village. Therefore, in this respect the proposal conforms to Policies CS.15 and AS.10. However, according to the Council, the proposal would not be in accordance with Policy CS.16 because the additional 5 dwellings would result in a cumulative total of 17.3% of the 700 homes required in the Category 2 LSVs.
15. However, the total number of 14,600 new homes to be provided in the district is a minimum, not a maximum and "approximately" 700 are to be provided in the Category 2 LSVs, of which no more than "around" 12% should be provided in any individual settlement. Therefore, given the wording of the policy, the 700 units and the 12% figure is not a rigid limit.
16. Furthermore, the Council indicates that there are some 679 existing residential properties within the village and that the proposal would represent an increase of less than 1% of the total number of dwellings. Apart from the figures quoted in CS.16, I have no substantive evidence to explain why the village could not sustain the additional dwellings.
17. Clearly, the settlement has been identified in the development plan for some growth and therefore, the Council must have already decided that there are shops, services and employment opportunities nearby. Indeed, the appellant has drawn my attention to a primary school opposite the site, a food store, cash machine, hairdressers, two pubs, a petrol station, a clothes shop, a

butcher's and a Monday to Saturday bus service into Stratford upon Avon. I have nothing before me to substantiate the Council's position that the settlement does not have the requisite infrastructure to support such a small increase over the existing number of dwellings.

18. I therefore conclude that the proposal would represent sustainable development with regard to the proposed increased number of dwellings within the village and I find no clear conflict with CS Policies CS.15, CS.15, or AS.10 which seeks to provide housing in sustainable locations across the district.

Other Matters

Financial Contributions

19. The appellant has submitted a Unilateral Undertaking (UU) which provides for the payment of £267,057 towards the provision of off-site affordable housing and £10,223.03 towards a children's play area at Welford-on-Avon Primary School.
20. CS Policy CS.18 requires that development providing 6 or more dwellings will be required to contribute to the provision of affordable housing. For schemes of fewer than 11 homes, this can be in the form of an off-site financial contribution. This is consistent with the Government's objective that planning should deliver a wide choice of high quality homes, as set out in the National Planning Policy Framework. I therefore consider that the affordable housing contribution is necessary to make the development acceptable; directly related to the development; and proportionate to the scale of the development proposed and it would be compliant with Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations).
21. CS Policy CS.25 indicates that developers will be expected to contribute towards the provision of open space. The Council's documentation indicates that there is a deficit of 1.53 hectares of children and young people's facilities in the Category 2 LSVs. Therefore, in line with the guidance from the Council's Open Space Supplementary Planning Guidance, the Council has determined that 46.5 SqM of equipped play facilities will be required as a result of the development. However, in spite of approaches to the Council on two separate occasions requesting information, I do not know whether the contribution would exceed the CIL pooling restrictions. As such, I cannot conclude that the contribution in respect of open space would be compliant with Regulation 123 (3) of the CIL Regulations. Therefore, as I do not know whether the open space contribution would pass the tests, I have not taken it into account in my decision.

Interested Parties

22. I note the location of the primary school opposite and I have had regard to comments that the road is busy at pick up and drop off times. However, the dwellings would have parking spaces and they would be served by their own access road which would be separate from Headland Road itself. The Local Highway Authority has not made any objection to the proposal. Moreover, it has confirmed that vehicle trips resulting from the dwellings are likely to be around 0.6-0.7 per property in the peak hour, i.e., about 4 trips. It also

advises that Headland Road does not appear to carry a significant amount of traffic and that the additional vehicle movements would not be likely to cause any safety concerns. I have no technical evidence to persuade me otherwise. Therefore, I consider that the development would not harm highway safety.

23. I note neighbours' references to numerous appeal decisions in the area and beyond but they relate to other sites with different characteristics. I do not have the full details of each of these cases and each appeal has to be considered on its own individual merits. Therefore, they have not been determinative in this case. I also note reference to a previous appeal on this site that was dismissed in 1989 but there have been numerous changes in both local and national policy since that date and I have determined the proposal based on current circumstances.
24. I note the Parish Council's concerns about drainage and flooding in the area. However, Severn Trent Water has said that it has no objection to the proposal I do not have detailed technical evidence that would lead me to conclude that the development would be harmful in this respect.
25. I understand the fear of precedent but given that I have concluded that the proposal would be acceptable on its own particular merits, I can see no reason why it would lead to harmful developments on other sites in the area. I have considered all other matters raised but none outweigh the conclusions I have reached.

Conditions

26. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance (PPG). In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition has been imposed in the interests of the satisfactory drainage of the site. In the interests of highway safety a condition has been imposed requiring the implementation of access and parking details. A condition requiring a construction method statement is necessary in the interests of the living conditions of neighbours. In the interest of visual amenity I attach conditions in relation to external materials, landscaping and tree protection. A condition is attached in the interests of protecting wildlife and ecology.
27. I have not imposed a condition requiring the provision of refuse bins as waste and recycling is the duty of another Council service. Condition 5 is a pre-commencement condition as it cannot be satisfactorily dealt with any other way.

Conclusion

28. For the reasons above, the appeal is allowed subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 348-01-101 Rev A; 348-01-102; 348-01-103; 348-04-101; 348-04-102; 348-05-101; 348-05-102; 348-06-101; 348-06-102 Rev A; 348-07-101; 348-08-101.
- 3) No construction shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No construction shall commence until a scheme for foul and surface water disposal has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter.
- 5) No development shall take place, including any works of demolition, 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 parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours;
 - ix) the location and noise levels of site electricity generators;
 - x) the means of access and routing plan for construction traffic;
 - xi) the management of surface water run-off;
 - xii) contact details of the site manager(s); and
 - xiii) details of any external lighting to be used during construction;
 - xiv) details of bin storage and collection facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.
- 6) The access, entrance gates and car parking for the development shall be constructed in accordance with the details shown on drawing 348:01-101-A before the first occupation of any dwelling and shall be retained thereafter.
- 7) All the trees and hedges shown on Plan 348-01-102 as "for retention" and/or any trees whose canopies overhang the site shall be protected by strong fencing as detailed on Plan 348-01-103. The fencing shall be erected in accordance with the approved details before any equipment,

machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

- 8) No dwelling shall be occupied until details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority. These details shall include:
- i) Planting plans and plant specifications;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) boundary treatment and gates (which shall make provision for the movement of small mammals);
 - iv) hard surfacing materials;
 - v) minor artefacts and structures (e.g. refuse or other storage units, signs, etc.);
 - vi) renewable energy installations where relevant;
 - vii) water butts for each dwelling;
 - viii) lighting of communal areas;
 - ix) a programme of implementation.

The works shall be completed in accordance with the approved details within the timescale set out within the approved programme of implementation. Any trees or plants which, within a period of 5 years from the first occupation of any dwelling, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 9) The development shall be undertaken in accordance with the recommendations set out in Section 4 of the submitted Ecological Appraisal by Cotswold Wildlife Surveys dated 10th May 2016.