



Appeal Decision

Site visit made on 9 August 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 06 September 2017

Appeal Ref: APP/J3720/W/17/3172921
17 Shottery Post Office, Shottery CV37 9HD

- 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 & Mrs Pasquette against the decision of Stratford on Avon District Council.
 - The application Ref 16/03871/FUL, dated 30 November 2016, was refused by notice dated 30 March 2017.
 - The development proposed is described as '*extension to dwelling and conversion of house and extension to form 4 no. apartments. Removal of front porch. Change in design of bow windows to front. Addition of bin store*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character or appearance of the Shottery Conservation Area (SCA) and on the setting of the Grade II listed building known as Owl House; and,
 - The effect of the proposal on the living conditions of future occupants with reference to outside amenity space.

Reasons

Heritage Assets

3. The appeal site comprises a two storey detached dwelling with a side garden area that abuts the corner of the road Shottery. The roadside boundary of the side garden comprises a hedgerow which follows the turn of the road. Parking spaces would be located in the side garden to serve the proposal. Vehicular access arrangements would require the removal of part of the hedgerow, the introduction of a low fence and the reduction in height of the entire roadside hedgerow.
4. The site is located within the SCA and the Grade II listed Building known as Owl House is located to the immediate east. The SCA Report states that landscaping is seen as the most important texture within the SCA and that the view of No 2 Tavern Lane (to the east of the appeal site) from vantage points to the south is of importance. An image of this important view towards No 2

Tavern Lane is within the SCA Report and the picture includes roadside hedgerow at the appeal site.

5. It is put to me that the listing summary of Owl House does not specifically mention the setting as part of its listing. Nonetheless, I have a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting, a consideration the Courts have held to be of considerable importance and weight.
6. During my site visit I saw that the roadside hedgerow was low in height and I understand that the appeal property has been subject to alterations. I also saw that the character of the Shottery to the south east of the site is sub-urban. Nonetheless, the roadside hedgerow and side garden area at the appeal site have a close visual association with the small green to the immediate north of the site. Combined the appeal site and small green create a pleasant verdant character. Despite being incorporated into the SCA in 1992 and not occupying a central location, the appeal site contributes positively to the adjoining verdant character, the landscape quality and thus the significance of the SCA. This verdant character also contributes positively to the setting and significance of a number of Grade II listed buildings along Tavern Lane, which of particular concern to the Council is Owl House.
7. The loss and reduction in height of the roadside hedgerow would diminish the verdant setting and thus significance of Owl House. The proposal would also harm the landscape quality and an important view as identified by the SCA Report and thus the significance of the SCA. Furthermore, works to the roadside hedgerow would allow views of the proposed parking area to the side of the appeal property. In contrast, on street parked vehicles in the vicinity of the appeal site have not harmed the verdant character of the immediate surrounding area. Views of the proposed parking area would be particularly harmful to the verdant setting of Owl House and to the character and appearance of the SCA.
8. In the context of paragraphs 131 - 134 the National Planning Policy Framework (the Framework), I consider the extent of harm to the significance of the SCA and to the setting of Owl House to be less than substantial. In such circumstances, the Framework advises to weigh harm against the public benefits associated with the proposal.
9. The proposal would contribute towards housing supply and choice and future occupants would be within walkable distance to services and facilities. The proposal would also reinstate Victorian fenestration and improve the appearance and energy efficiency of the appeal property. I also note that the proposal would overcome suspected subsidence issues at the site. In addition, the Council state that the proposal would improve highway visibility, whilst the increase in width of the footpath and the proposed off street parking provision would improve highway safety in the area. These public benefits combined attract moderate weight in favour of the proposal.
10. Whilst the harm of the proposal to the SCA and the setting of Owl House would be less than substantial, sections 66 and 72 of the Act are clear in that such harm should be given considerable importance and weight. In this context, the considerable weight afforded to the proposal's harm to the SCA and to the

setting of Owl House would outweigh the combined moderate weight afforded to the public benefits described above.

11. Therefore the proposal would have a harmful effect on the character and appearance of the SCA and on the setting of the Grade II listed building known as Owl House. Consequently the proposal would be contrary to Core Strategy (CS) Policy CS.8 and paragraph 134 of the Framework. Combined these policies seek to ensure that great weight and priority is afforded to conserving the significance of heritage assets.

Living Conditions

12. The Council are concerned that future occupants of the first floor two bedroom flats would not have access to any outside amenity space. The Council refer to garden area standards contained within its Meeting Housing Needs document. However, the Council acknowledge that the document does not have the status of a Supplementary Planning Document. That said CS Policy CS.9 requires development to ensure a good standard of space and amenity for occupants.
13. The absence of outdoor amenity area for the first floor two bedroom flats would prevent future occupants from being able to undertake typical outside garden uses such as drying clothes, sitting outside, and private outdoor relaxation. This would be particularly harmful to future occupants of the first floor flats which in total could accommodate in excess of four residents. Moreover, no substantive reasoning or evidence is before me to justify that the absence of amenity space would not harm the living conditions of future first floor occupants.
14. Therefore the proposal would have a harmful effect on the living conditions of future occupants with reference to outside amenity space. Consequently the proposal would be contrary to CS Policies CS.9 and CS.25, which of relevance to this matter combined seek to ensure that development provides a good standard of amenity and space for future occupants.

Other Matters

15. In determining the appeal, I have carefully considered the circumstances of the appellant and their family which I understand includes disabled occupants who reside at the property. I also note that the appellants have made numerous design revisions in an attempt to meet the concerns of the Council.
16. Whilst I can understand the difficulties of the appellants, such personal circumstances seldom outweigh general planning considerations. In this case and based on the evidence before me, the harm identified in relation to the two main issues above would outweigh the personal circumstances and benefit the proposal would bring to the appellants.

Conclusion

17. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker
INSPECTOR