



Appeal Decision

Site visit made on 8 August 2017

by B Bowker Mplan MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/J3720/W/17/3174182
33 New Street, Tiddington CV37 7DA

- 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 Oscar Homes Limited against the decision of Stratford on Avon District Council.
 - The application Ref 16/03264/FUL, dated 6 October 2016, was refused by notice dated 3 February 2017.
 - The development proposed is demolition of existing dwelling and outbuildings and erection of five dwellings with associated vehicular access, parking and other works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and outbuildings and erection of five dwellings with associated vehicular access, parking and other works, at 33 New Street, Tiddington CV37 7DA, in accordance with the terms of the application Ref 16/03264/FUL, dated 6 October 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area;
 - Highway safety; and,
 - The living conditions of neighbours residing at Nos 37 and 39 New Street, with particular reference to outlook, sun/daylight and privacy.

Reasons

Character and Appearance

3. The appeal site comprises a detached dwelling with outbuildings with garden area to its side and rear. Outline planning permission¹ has been granted for the development of 60 dwellings on land to the rear of the site. Properties along New Street are predominantly two storey in scale, varied in appearance and built close to the front roadside boundary with long rear gardens.
4. Based on the appellant's density calculations and taking into account the rear garden sizes of Nos 37 - 51, the proposal would not be cramped or overdeveloped in relation to surrounding development. Compared to the

¹ Council Ref: 15/02057/OUT

pattern of development along New Street, it is put to me that the proposal would comprise uncharacteristic back land development. However, the outline permission permitted at the adjacent site would significantly change the pattern of development to the east of New Street.

5. A condition attached to the adjacent outline permission requires the site to be developed in general accordance with an indicative masterplan. The indicative masterplan indicates that residential development is likely to be close to the appeal site boundary. Whilst a reserved matters application has not been submitted, no evidence is before me to doubt that the adjoining development will be delivered. In addition, the appellant highlights that there are no known impediments affecting the delivery of the adjoining development. Thus I afford significant weight to the adjoining extant outline permission. Taking into account the indicative layout of the adjoining development, the proposal would be in keeping with the character and appearance of its immediate surroundings.
6. The proposed access and hardstanding areas would not be an unusual sight in an established residential area. Furthermore, views of the proposal from New Street would have to be actively sought adjacent to the site access, and when made, would comprise dwellings of a scale and design in keeping with surrounding properties. A suitably worded landscape condition would ensure that the proposal blends further into its immediate surroundings.
7. Stratford-upon-Avon Neighbourhood Development Plan (NDP) is to be formally submitted to the District Council. Of relevance, emerging NDP Policy H5 seeks to restrict garden development subject to certain conditions, one of which requires development to preserve or enhance the character of the area. Based on my reasoning above, the proposal would accord with this requirement.
8. In reaching this view, I have considered the dismissed appeal decision² at No 10 New Street. However, No 10 is sited away from the outline permission to the west of New Street where a different pattern of development prevails. Moreover I must determine the appeal before me on its own individual merits.
9. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of Core Strategy (CS) Policy CS.9 which seeks to ensure development is of a high quality design that is sensitive to existing built form, character and distinctiveness of the locality.

Highway Safety

10. New Street has a 30mph speed limit and the section adjoining the proposed vehicular access is subject to double yellow line road restrictions. During my mid-afternoon site visit I saw that on street parking along sections of New Street has reduced its width and consequently the speed of vehicles travelling along it. As on-street parking demand and movements along New Street are likely to increase in the early evening, I acknowledge that the timing of my site visit provides a snap shot of parking availability in the vicinity. I also note photographs submitted in relation to engineering works at New Street and of vehicles parked in vehicular turning areas elsewhere.

² APP/J3720/W/15/3006402

11. There is no evidence before me to substantiate the Council's concerns regarding near misses and minor incidents along New Street. Nor is there any evidence of emergency services having accessibility issues when travelling along New Street. The appellant highlights that there has been no record of highway safety incidents along New Street and that double yellow line road restrictions would prevent parking within the proposed visibility splays. Traffic surveys undertaken by the Council in December 2014 recorded relatively low travel speeds along New Street. In this respect, the proposed access visibility splays would accord with the relevant requirements contained within the Manual for Streets.
12. Based on local census data cited by the appellant, and with no evidence to the contrary, the parking proposed, which includes a shared visitor space, would meet the likely needs of the development. I also note that the Highway Authority is satisfied that the development would be served by a sufficiently sized vehicular turning area.
13. As reasoned by the appellant, visitor parking demand in excess of the spaces provided would be infrequent and likely to occur during the evening when larger delivery vehicles are less likely to visit the site. Moreover, the evidence before me does not indicate that any resultant increase in on street parking associated with the proposal would lead to a harmful risk to highway safety.
14. Based on the width of the proposed access road, the proposal would not give rise to potential conflict between vehicles and pedestrians. Nor would the limited scale of the development lead to a severe cumulative effect on the surrounding highway network. Moreover, subject to appropriately worded planning conditions, the Highway Authority raise no objection to the proposal on highway safety grounds.
15. Therefore the proposal would not have a harmful effect on highway safety. Consequently the proposal would meet the requirements of CS Policy CS.26. Insofar as it relates to this matter this policy seeks to ensure that parking provision reflects local circumstances and that traffic generated by development is appropriate for the function and standard of the roads serving the area. In this respect the proposal would meet the requirements of emerging NDP Policy H5 part d).

Neighbours

16. The windows and garden areas to the rear of Nos 37 and 39 New Street provide neighbours with an open outlook across fields. The two storey height of plot 5 would be located approximately 16 metres away from the rear elevation of No 37 New Street. The depth of plot 5 would cover almost the entire width of No 37 whilst No 39 would face towards the proposed rear garden area.
17. Whilst no longer having the status of a Supplementary Planning Document, the Council's Extending your Home Guide contains minimum separation distances used to assess the effect of development on neighbouring living conditions. The separation distances between plot 5 and Nos 37 and 39 would exceed the relevant minimum separation distance of 13 metres. Based on the separation distances involved and the remaining open aspects to the sides of the neighbouring garden areas, the proposal would not have an overbearing effect on neighbours at Nos 37 and 39, including their respective garden areas.

18. Although not a reason for refusal cited by the Council, concern has been raised regarding the effect of the proposal on neighbouring levels of sun/daylight. However the separation distances involved and the remaining relative openness to the sides of the neighbouring garden areas, which includes a south facing aspect, would ensure sufficient levels of sun/daylight for neighbours at Nos 37 and 39.
19. Whilst not referred to in the Council's reasons for refusal, concern is raised regarding privacy. The window within the facing gable end of plot No 5 would be obscured and serve a bathroom. Consequently, despite the absence of obscure glazing to the rear of Nos 37 and 39, the proposal would not result in direct views into neighbouring windows or the adjoining garden areas. Therefore, subject to an appropriately worded condition to secure obscure glazing at plot No 5, the proposal would not have a harmful effect on the privacy of neighbours residing at Nos 37 and 39.
20. Therefore the proposal would not have a harmful effect on the living conditions of neighbours residing at Nos 37 and 39 New Street, with particular reference to outlook, sun/daylight and privacy. Consequently the proposal would meet the requirements of CS Policy CS.9 which seek to ensure that occupants of neighbouring buildings are protected from unacceptable loss of privacy, light and adverse surroundings. In this respect the proposal would also meet the requirements of emerging NDP Policy H5 part c).

Other Matters

21. Concerns are raised regarding the effect of the adjoining outline permission on the privacy and light of future occupants. However based on the orientation of the dwellings at the appeal site and the outline nature of the adjoining permission, I am satisfied no harm would occur in this respect.
22. Based on the orientation and separation distances involved, the proposal would not have a harmful effect on the living conditions of occupants residing at No 37a New Street or for neighbours in the surrounding area. In addition, noise and disturbances associated with the proposal would not be unusual in an established residential area.
23. Concern is raised regarding the need for the proposed dwellings. However, the evidence before me indicates that Tiddington has not exceeded its housing allocation set by CS Policy CS16. Moreover, as the proposal would be within the physical confines of the village (uncontested), the principle of residential development at the site would accord with CS Policy AS.10.
24. Concern has been raised regarding precedent. However this decision would not prevent the Council from refusing development that would lead to material planning harm. Moreover, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
25. Based on the evidence before me, dismissing the appeal based on its effect on community infrastructure, air quality, sewerage capacity and its resultant demolition of a dwelling would be unjustified.

Conditions

26. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity in order to comply with the Framework and advice given in the Planning Practice Guidance.
27. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the approval of landscape details prior to commencement of development is necessary in the interests of the character and appearance of the surrounding area. Conditions Nos 4 and 7 are necessary in the interests of biodiversity.
28. To limit disturbance to surrounding occupants and addresses neighbouring concern, conditions relating to demolition and construction times are included. Condition No 6 is necessary based on the comments of the Council's Archaeologist. Condition No 8 is necessary based on the submitted Tree Survey Report.
29. Condition Nos 9 - 11 are necessary in the interests of highway safety and based on the comments of the Highway Authority. Condition No 12 is necessary in order to protect the privacy of neighbouring occupants. Conditions Nos 13 and 14 are necessary in the interests of domestic waste management and to ensure the efficient use of resources.
30. A condition restricting permitted development rights relating to household extensions, roof enlargements and outbuildings is necessary to preserve neighbouring privacy and the living condition of future occupants. However it is not necessary for this restriction to include minor roof alterations and porches.

Conclusion

31. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker
INSPECTOR

Attached – schedule of conditions

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: Location Plan, 3390-01A Existing Site Plan, 3390-05C Proposed Site Plan, 3390-10C/D House Type A, 3390-11C House Type B, 3390-15C Street Scenes, Tree Protection Plan, Tree Survey Plan.
- 3) No development shall commence until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities; existing landscape features such as trees, hedges and ponds to be retained; existing and proposed finished levels; full details of hard surfacing materials; details of boundary treatments including boundary treatment/landscaping to the bin store.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall commence, including any demolition and works of site clearance, until full details of nesting provisions for house sparrows and swifts have been submitted to and approved in writing by the local planning authority. Thereafter the nesting provisions shall be installed and retained in accordance with the approved details.
- 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.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall take place until the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the submitted Written Scheme of Investigation is undertaken. A report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority, including (where necessary) a full Archaeological Mitigation Strategy document.

Any mitigation necessary shall be carried out in full accordance with the approved details.

- 7) The development hereby permitted shall be carried out in accordance with the recommendations contained in section 4 of the bat survey report by Cotswold Wildlife Surveys dated 8 August 2016.
- 8) No demolition, site clearance or building operations of any type shall commence, or equipment, machinery or materials be brought onto site until the tree protective fencing as shown on drawing no.2 within the submitted Tree Report dated 20 September 2016 has been erected on site. The fencing shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.
- 9) The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority as shown on drawing no.3390-05C.
- 10) The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 25 metres to the near edge of the public highway carriageway, in both directions. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 11) The dwellings hereby permitted shall not be occupied until space has been provided within the site for the parking and turning of vehicles as shown on drawing no. 3390-05C.
- 12) Before the first occupation of the buildings hereby permitted the bathroom window on the side elevations of plots 2, 3, 4 and 5 shall be fitted with obscured glazing (minimum of level 3 obscure glass) and shall be permanently retained as such thereafter.
- 13) The dwellings hereby approved shall not be occupied until refuse, recycling and green waste facilities have been provided prior to the occupation of the dwelling to which the provision relates. The refuse, recycling and green waste facilities shall be retained as such thereafter.
- 14) No dwelling that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting what Order with or without modification) no development

covered by Part 1 Classes A, B and E shall be carried out without planning permission granted by the District Planning Authority.

- **End of schedule** -