
Appeal Decision

Unaccompanied site visit made on 1 May 2018

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 04 May 2018

Appeal Ref: APP/J3720/W/17/3180167

39 New Street, Shipston-on-Stour, CV36 4EW

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Kevin Webber ("the Appellants") against the decision of Stratford on Avon District Council ("the Council").
 - The application Ref 16/03313/FUL, dated 11 October 2016, was refused by notice dated 20 January 2017.
 - The development proposed is the conversion of the current dwelling into three; providing two additional homes.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of current dwelling into three; providing two additional homes at 39 New Street, Shipston-on-Stour, CV36 4EW in accordance with the terms of the application, Ref 16/03313/FUL, dated 11 October 2016, subject to the conditions set out in the Schedule of Condition below.

Procedural Matter

2. In my Appeal Decision I will refer to:
 - a) The buildings at 39 New Street as "No. 39".
 - b) The site of the land and No. 39 as "the Appeal Site".
3. The Appeal Site is within the Shipston-on-Stour Conservation Area. There is a statutory duty when dealing with planning appeals in Conservation Areas that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area. This is the approach I have adopted in dealing with this appeal.
4. The Appellants' agent requested within the written representations that I review the webcast of the Committee Meeting when the application was refused. I have not done so because I do not consider that to be appropriate when determining a written representations appeal.
5. There is also an outstanding appeal¹ made under Section 195 of the 1990 Act in relation to some matters covered by this appeal. That appeal will be determined under a separate Appeal Decision which is likely to be issued at a later date.

¹ Planning Inspectorate Ref APP/J3720/X/17/3180170.

6. Whilst at my site visit I viewed the public parking areas within Shipston-on-Stour and the town centre facilities which are all within a comfortable walking distance of the Appeal Site.

Application for costs

7. An application for costs was made by the Appellants against the Council. This application will be the subject of a Costs Decision which will be issued at a date after this Appeal Decision.

Policy

8. The Development Plan for the area includes the Stratford-on-Avon District Core Strategy ("the Core Strategy").
9. I have been referred to various Core Strategy Policies² and a number of paragraphs³ in the National Planning Policy Framework.

Main Issues

10. I consider the main issues in this case are:
- a) The impact of the proposal on the character and appearance of the Conservation Area and that part of Shipston-on-Stour within which the Appeal Site is situated.
 - b) Whether the lack of off-street car parking within the Appeal Site is likely to result in highway safety issues or harm to the amenity of nearby residents.

Reasons

Issue (a)

11. The proposal is to subdivide No. 39 into three dwellings, two of which would have three bedrooms and the other would have one bedroom. There is no objection to the principle of this type of development for new residential development in Shipston-on-Stour subject to compliance with other Core Strategy policies. The Core Strategy explains that such development can contribute to a mix of housing types and it can also be an effective way of increasing housing supply.
12. No additional floor space is required to facilitate this development. However there would be changes to the front and rear elevations of No. 39 and to the single-storey element to the rear of No. 39. The main changes to the front elevation include:
- a) The replacement of a ground floor bay window with an entrance door and windows on either side.
 - b) The replacement of the large timber coach doors with an entrance door and windows on either side.
 - c) The removal of a signboard at first floor level.
 - d) The insertion of three windows a first floor level.

² CS1, CS2, CS3, CS4, CS6, CS8, CS9, CS15, CS16, CS19 CS20, CS26, AS16 & AS10.

³ 17, 34, 39, 134, 137, 186 & 187.

13. In my assessment the alterations would respect the historic form of No. 39 and there would be no alteration to the shape of No. 39 when viewed from the public realm.
14. The proposed replacement of the timber coach doors would retain the character of No. 39.
15. The proposed new windows at first floor level would reflect the size, design and positioning of the existing first floor window in the two-storey part of No. 39 and this would preserve the character and appearance of No. 39 and the street-scene of which it forms part.
16. The Council Officer who dealt with the application came to the view that the removal of the signboard would be of benefit to the appearance of No. 39 as it detracts from its character and appearance. I agree with that assessment.
17. I am aware that the replacements of the bay window and the coach doors would incorporate the front doors to two of the units. However, other nearby residential houses have their front doors abutting the public footway of New Street and no harm to the character or appearance of No. 39 would stem from these changes.
18. Further, I do not agree with the Council that the alteration to the bay window or its proximity to the bay window in the three-storey element of No. 39 would result in any harm or any incongruity in terms of the appearance of the frontage to No. 39
19. Having regard to the proposed changes to No. 39 I am of the view that the character and appearance of the Conservation Areas and this part of Shipston-on-Stour would be protected and no harm would result from the proposed changes.
20. The proposal:
 - a) would be of a high quality,
 - b) has been sensitively designed, and
 - c) would be satisfactorily integrated with the historic context of this Conservation Area.
21. The proposal does not conflict with the relevant part of the Core Strategy when considered as a whole.
22. I therefore conclude, for the reasons explained above, that the proposal will not result in any material harm to the character or appearance of the Conservation Area or the street-scene in this part of Shipston-on-Stour.

Issue (b)

23. It is agreed that the proposal is likely to increase the overall demand for parking by the potential occupiers of the proposed dwellings.
24. I noted at the time of my site visit that there were only a few car parking spaces available in the public car parks near the Appeal Site. However, there were places available nearby where on-street parking could easily be found without interfering with the free flow of traffic along those streets or causing any other type of highway danger.

25. I am also aware that an Officer from the Highway Authority carried out his own inspection of the area before coming to his conclusion that there was no objection on highway safety grounds to the proposed development. I am of the view that no unacceptable transport impacts would arise directly from the proposal.
26. Further, I do not consider that any on-street parking or parking in the public car parks arising from the proposal would result in loss of amenity for nearby residents.
27. I therefore conclude, for the reasons explained above, that the proposal would not result in any highway safety issues or material harm to the amenity of nearby residents and there would be no conflict with the relevant parts of the Core Strategy when considered as a whole.

Other Matters

28. I note that the application plans indicate access from the rear of Appeal Site onto land owned and managed by the Town Council. I understand that no permission to allow access from the Appeal Site onto this land has been granted or otherwise exists. This is a private legal matter between the Town Council and any future occupiers of the proposed dwellings who may seek to create access on to the land. The grant of planning permission does not change that position.
29. I am also aware that access from two of the proposed units would be on to a narrow footway in New Street. This is not uncommon in this part of Shipston-on-Stour. I do not consider that any unacceptable safety risks arise from this matter. The occupiers of the proposed units would be aware of the presence of those using the footway and would take appropriate measures to ensure that no dangers arose when stepping out of their properties
30. I note the comment that the proposed middle unit to be too small. However, the Council have not raised this as an issue and I have not been referred to any policy requirements being contravened by the size of that unit.
31. I am aware that some inconvenience may arise whilst building works are carried out if this proposal was implemented. However, this is not an uncommon occurrence and there is other legislation available to control any statutory nuisances that may arise as a result from the permitted building works. I know that building work, by its very nature is often likely to cause some inconvenience but generally such difficulties are short lived.

Overall Conclusions

32. For the reasons given above I conclude that the appeal should be allowed.

Tim Belcher

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To conform to the requirements of Section 91 of the 1990 Act.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:-
 - Site survey and location plan 16-5539 A002 P2
 - Site plan 16-5539 A101 P2
 - Ground Floor Plan Proposed 16-5539 A221 P2
 - First and Second Floor Plans Proposed 16-5539 A222 P3
 - Elevations – Proposed & Existing 16-5539 A231 P3
 - Bat Survey Report (2417-CWS-01) dated 28 November 2016 for 39 New Street, Shipston-on-Stour, Warwickshire - Cotswold Wildlife Surveys Limited - 26th July, 3rd and 17th August 2016.
 - Planning and Heritage Statement dated 7 October 2016 – Studio 27 Architects

Reason: To define the permission and to ensure that the development meets the required design quality and environmental requirements.

- 3) No development shall take place until details, at an appropriate scale, of windows, doors, lintels, roof lights, dormers, verges and eaves to be constructed in the conversion hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is improved and enhanced.

- 4) The dwellings hereby approved shall not be occupied until three bins for the purposes of refuse, recycling and green waste have been provided for each of the approved dwellings, in accordance with the Council's bin specifications.

Reason: To provide appropriate and essential infrastructure for domestic waste management.

- 5) The dwellings hereby approved shall not be occupied until they have been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to a downpipe.

Reason: In the interest of sustainable development (conservation of water).

- 6) Before the first occupation of any of the dwellings hereby permitted the bathroom and en-suite windows shall be fitted with obscured glazing (minimum of level 3 obscure glass) and be top opening only and shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking and loss of privacy to neighbouring properties and residents of the dwellings hereby approved.

- 7) The development hereby permitted shall be carried out in strict accordance with the mitigation/compensation measures for bats specified

within the Bat Survey Report specified in Condition 2 above. All mitigation shall be permanently maintained in that condition thereafter.

Reason: To protect this potential habitat of bats.