



Appeal Decision

Site visit made on 15 March 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/J3720/W/18/3217382

The Garages, Leigh Crescent, Long Itchington, CV47 9QS

- 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 Bain Developments against the decision of Stratford-on-Avon District Council.
 - The application Ref 18/02770/FUL, dated 18 September 2018, was refused by notice dated 13 November 2018.
 - The development proposed is demolition of existing garages and construction of 4 new build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised in February 2019 (the Framework). I have also taken this into account as part of the determination of this appeal.

Main Issues

3. The main issues are:
 - the effect of the development on the living conditions of existing residents and potential future occupiers where it relates to outlook, privacy, and refuse storage
 - whether the proposed development would be contrary to adopted policy in respect of the planned growth for the village

Reasons

Living Conditions

4. The site is flanked by housing and is overlooked to differing degrees by neighbouring two storey houses on Leigh Crescent.
5. I accept that there may already be some overlooking within the existing development into neighbouring gardens. However, the appeal proposal would significantly increase this, where there was limited overlooking previously. Each of the proposed dwellings would have obscure glazed

windows to the bedroom on the first floor (front elevation) in order to address overlooking into the rear garden of No 25. Whilst this measure would reduce overlooking, it would result in these bedrooms having very poor outlook. This would create enclosed and oppressive spaces in those rooms and a substandard level of accommodation. Despite the obscure glazing, I also consider there would still be a harmful perception of overlooking for users of the garden to No 25, given the proximity and orientation of the windows in relation to the boundary. This would result in a significant loss of privacy in the rear garden area.

6. For the above reasons, the development would significantly harm the living conditions of both existing and future occupiers with regard to outlook and loss of privacy. It would therefore be contrary to the Stratford on Avon Core Strategy (CS) (2016) Policy CS.9 which seeks high quality design that is sensitive to neighbouring uses and Framework paragraphs 117 and 180 which seek efficient use of land without compromising the living conditions of existing and future occupiers.
7. The appellants have set out their case in terms of how refuse may be taken to the edge of the public highway. I also note that the highways authority has no objection to the proposals and consider that such matters are capable of being addressed in a suitably worded planning condition. This aspect therefore does not alter my overall conclusion.

Planned growth of the village

8. Long Itchington is classed as a Category 1 Local Service Village (LSV) within the CS and as such is subject to some growth over the plan period, in accordance with Policies CS.15 and CS.16. The growth set out in CS.16 includes 'no more than around' 25% of the approximate total for Category 1 LSVs, which is 450 dwellings.
9. I have considered the appeal decisions¹ referred to by the appellants and the council and note the Inspector's conclusions in each case, regarding Policy CS.16. These are that the policy does not represent a ceiling, cap or rigid limit on development.
10. I am aware that within the trajectory of the CS, the Council have also accounted for around 100 windfall dwellings within the LSVs from 2021 onwards. I consider the appeal site would fall into this category because of its location within the confines of the Built Up Area Boundary (BUAB).
11. Further, whilst I consider that the addition of 4 new dwellings would increase the supply of housing to the village, given its small scale I do not consider it would significantly contribute to the 'uneven dispersal' of development within the LSVs.
12. For the above reasons, I therefore do not consider there to be conflict with Policy CS.16.

Conclusions

13. As set out above, I conclude that the proposal would significantly harm the living conditions of future occupiers, and the occupiers of No 25, with

¹ APP/J3720/W/18/3195979, APP/J3720/W/17/3174376 and APP/J3720/W/16/3152017

regard to overlooking and loss of privacy. It would be contrary to development plan in this regard. Whilst the development would provide new dwellings on a previously developed site, that does not alter my view that the appeal should be dismissed.

14. For the reasons given above and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Sian Griffiths

INSPECTOR