



Appeal Decision

Site visit made on 26 June 2019

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/J3720/W/19/3221209

Avonfield, Mill Lane, Stratford-upon-Avon CV37 6BJ

- 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 Clive Hicks against the decision of Stratford-on-Avon District Council.
 - The application Ref 18/02419/FUL, dated 2 August 2018, was refused by notice dated 2 November 2018.
 - The development proposed is the demolition of the existing dwelling and the erection of 6 new dwellings with associated landscaping and access improvements.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether the proposal would fail to preserve the character or appearance of the Stratford-upon-Avon Conservation Area, its effect on the setting of various nearby listed buildings, its archaeological implications and its impact on the significance of these heritage assets
 - and
 - b) its effect on the living conditions of adjacent residents.

Policy

3. Since the refusal of planning permission, the *Stratford-upon-Avon Neighbourhood Development Plan* has been made. However, whilst I had the referendum version of that document I was not confident I had the version in its made form. I have therefore not been able to afford full weight to those policies but given my findings I consider no party has been prejudiced as a result.

Reasons

Background

4. Avonfield is a large, sprawling dwelling that has some 2 storey elements and some single storey parts, and it mainly dates from the latter part of last century. The house stands near the middle of a 0.96ha curtilage, which it cuts into 2 roughly equal portions. To the north (the northern portion) is a sizeable lawn whilst to the south-west (the southern portion) is a further extensive lawned area, together with the remains of what appeared to have been a vegetable garden or similar. Both of these portions have trees around much of

their edges, although many of these are ornamental and none are identified by the Council in its conservation area booklet as important landscape features. With the exception of a gated vehicular access the southern portion is entirely enclosed behind neighbouring houses, but the northern one is more open to public view, being bounded by Mill Lane and Trinity Street.

5. Although the site itself is relatively open, it is in a part of the town that otherwise tends to be densely developed.
6. The proposal is to replace the existing house with a row of 4 properties (the row) that would be 3 storeys high with further lower ground floor, and to build 2 more dwellings, which would be part 2-storey, part single-storey, in the southern portion. Access to the row would be from the existing gateway on Mill Lane, albeit substantially remodelled, while the 2 houses to the south would be accessed off Saffron Meadow through the gated entrance there.

The effect on the heritage assets

7. As well as being in a conservation area and having an alleged archaeological importance, the site is surrounded by a number of listed buildings. The *National Planning Policy Framework* (the Framework) states that when considering the impact of a proposed development great weight should be given to the conservation of designated heritage assets. Mindful of this, I turn to examine the impact of the development on each of these.

The Church of the Holy Trinity

8. The Church of the Holy Trinity is Grade I listed, and stands in its graveyard roughly to the north-east of the appeal site across Mill Lane. Part of its significance lies in the fact that it contains the graves of William Shakespeare and some of his family members. However, its significance is also derived from its architectural detailing and the way in which it has dominated this area of the town for many centuries and been a visual, social and spiritual focus.
9. Avonfield itself and the northern portion of the appeal site form part of the setting for this building as the long low form of the house and the sizeable garden area give the church a sense of openness that means it remains visually unchallenged.
10. The houses proposed for the southern portion would have no effect on the setting of the Church of the Holy Trinity, as the distance, their heights and their location beyond where the curtilage of Avonfield narrows mean they would not encroach into the experience of the church. Moreover, it is not proposed to reduce the physical extent of the open land in the northern portion to any appreciable degree. Rather, the intention is to enhance this area and improve its value as a visual and recreational resource. A more formal access arrangement with Mill Lane is to be provided to the site that would replace the existing relatively simple gateway. Mindful though of the walling and fence now present along this boundary and noting too the other accesses further along that road, I see no reason why, if appropriately detailed, this entrance should cause harm to the setting of the church.
11. However, the proposed row of houses would be notably taller than the existing. This is particularly so as Avonfield, as well as being lower in absolute terms, has a sloping roof that reduces its apparent height still further. In any event, the 3-storey row would also extend westwards well beyond the northern 2-

storey portion of the existing house to be over the existing single storey element on that side of the curtilage. Indeed, because of its height the row would be visible above the boundary planting when looking from the churchyard, and while the top storey would be recessed the effect of this would diminish with distance. I am mindful too that the row would be of a design that was not unattractive in itself but would contrast markedly with the more traditional forms of housing that are commonly found around.

12. Taking these factors together, what would result would be a striking and prominent line of houses that drew the eye when in the vicinity of the church. To my mind it would go beyond just providing a termination to the open space of the northern portion, and would visually challenge the dominance that the church has enjoyed over the years. As a result, by affecting the setting in this way it would cause harm, albeit less than substantial, to the significance of the listed church.

13. In coming to this view, I am aware that the modern development of Avonside abuts the churchyard and provides little visual separation. However, that site inevitably has a different relationship to the church and, in my judgement, the presence of such a development does not justify the harm identified above.

Soli House¹

14. To the south of the existing dwelling and to the east of the southern portion is the Grade II listed Soli House. This dates from the early 19th century and is a large, 3-storey property. Its significance is, in part, due to its design and form giving it the appearance of a dwelling of some status. This sense of status is still maintained despite its recent subdivision into 2 separate dwellings.

15. I understand the appeal site used to be part of its grounds but was sold off before the house was listed. Moreover, the curtilage of Avonfield is landscaped in a very different way to how it was when it was part of Soli House. However, this change of ownership is not so apparent on the ground. In my judgement when looking from the public domain on Mill Lane the gardens of Avonfield still contribute to the significance of Soli House as they provide it with a spacious context that helps to maintain its sense of status and so contributes to its significance. Avonfield can be seen from Mill Lane behind Soli House, and I appreciate that its limited design merit does not enhance the setting of that listed building. However, because of its height it does not dominate the older property and, to a certain degree, it can be read as an ancillary complex. Moreover, in my judgement when looking from Mill Lane it is not sufficiently dominant to divorce the openness of the northern portion from Soli House itself.

16. Again, the 2 houses in the southern portion would not impinge on the setting of Soli House due to their height, the separation involved, and the large intervening hedge.

17. However, the height of the row means that Soli House would be obscured in many views from the north and parts of the row would enclose the listed building when looking from the east side of Soli House or near the gateways to the 2 properties that now form that property. As such, the spacious setting of

¹ In the submissions this property is referred to by many names. It was originally Avonfield before the appeal property was built. It has also been a Catholic Youth Hostel and is now 2 properties called Chapel House and Oldaker House. For this appeal I shall nonetheless refer to it as Soli House - the name given on the listing details.

this listed building provided by the northern portion would be appreciably eroded. Moreover, the closeness of the 3-storey row to Soli House would challenge the prominence of the latter. As a result, its status would be notably diminished and an understanding of its past impaired. To my mind these factors would cause less than substantial harm to the significance of this designated heritage asset.

18. In coming to these findings I appreciate that there is now virtually no separation between Soli House and Avonfield, and a much greater separation would be introduced by the proposal. I also accept that the scheme is removing what the appellant terms '*the indifferent accretions*' and '*conglomeration of ranges*' that make up Avonfield. However, as the appeal property is now much lower than the proposal and is not as dominant, I consider these points do not overcome the identified harm. I have also noted the appellant's contention that even in winter the view of the row from the south would be limited when on Mill Lane. This is not a view I share, judging it would be more apparent than implied. In any event though, views of the proposal from within the curtilage of Soli House would be clearer and a source of harm.
19. In considering the impact on both Soli House and the church I have had regard to the various examples given from around the town of other development in the vicinity of listed buildings. Clearly though each case is different, and in every instance a fresh judgement has to be made on the merits of the scheme taking into account such matters as the character of the area, the nature of the proposal and what was present beforehand – what fits in well in one context would not necessarily be suitable in another. As such, these cases have not led me to different findings.

3-7 Trinity Street

20. These are attractive early Victorian houses that are on one side of the cul-de-sac that defines the western side of the northern portion of the appeal site. They are Grade II listed and their significance lies substantially in their detailing and scale that reflect their historic authenticity. On the opposite side of the cul-de-sac are the tall boundary treatments and planting of the appeal site along the edge of the northern portion, which create an intimate and enclosed setting for them. Consequently, although the westernmost property in the row would be just over the boundary at the end of Trinity Street, I consider it would not encroach into this enclosed setting to any appreciable degree, and so would not cause harm to the significance of these houses.

Archaeology

21. The Council contended that the site forms part of an important historic landscape that provided connection with the medieval urban pattern. There is little evidence though to show why the site should be considered in this way. Now it has a very domestic appearance with its lawns, drive and ornamental planting. Although I accept it might have been farmed in the past, that could be applied to many undeveloped sites, and my attention was drawn to nothing in its layout, extent, land forms or arrangement that meant it could be read as part of a historic landscape.
22. Historic England identified it as having been outside the New Town of Stratford that was re-founded in 1196 to the north-west of the church, and it considered

this may well mean that remains could potentially exist under the site. The appellant accepted, in turn, that the site was in the heart of the Old Town.

23. The northern portion appears to be the most sensitive archaeologically, and here much of the proposed work comprises landscaping and driveways where the level of intrusiveness can be controlled to a great extent. An archaeological report has been submitted that has found no evidence of deposits needing preservation in situ, contending that any impact in this regard could be resolved by condition. It is unclear why the Council has not responded to this report given the length of time between it being submitted with the appeal and the date when the Council sent in its statement. However, in the light of the report's contents I consider a suitable condition could address this matter satisfactorily. As a result, I have no reason to consider that harm would occur to archaeological assets below the ground.

Conservation Area

24. The Stratford-upon-Avon Conservation Area is a large conservation area that covers much of the town. Inevitably, given its size it is relatively diverse, as it includes the more formal buildings generally found in the centre and runs out to the residential hinterland around, encompassing the open areas along the river. Mindful of this, I consider its significance is partly because the buildings and the intervening open spaces it includes show it to be a historic settlement that has evolved over the years.
25. The southern portion of the site lies outside the conservation area, and given the height of the 2 houses proposed there I consider they would not adversely affect its setting.
26. The northern portion and the existing dwelling though are within the conservation area, and, for the reasons stated above in relation to the settings of Soli House and the church, the openness of the site makes a positive contribution to the conservation area's significance. In the booklet advising on the conservation area the site is in what it defines as Area A, which it says is characterised by the open spaces along the river interspersed by important town buildings. There is little appreciation of the river when on the site, and I consider it relates as well to Area D to the west that starts on the site's western boundary and is dominated by small-scale terraced cottages.
27. Clearly Soli House and the church are important buildings in the conservation area for the reasons stated earlier. By adversely affecting their settings in the way described, and so causing harm to the significance of each of these buildings, I consider the row would also not preserve the character or appearance of the conservation area thereby harming its significance as well.
28. Turning to the wider impact of the development in relation to this matter, Historic England said *'the proposals can hardly be described as preserving or enhancing the Conservation Area'* but offered little further elaboration on this. The Council, amongst other things, contended the proposal would be an over-development. However, given the size of the site the construction of 6 houses, in pure mathematical terms, could not be said to be too great a density.
29. It was also alleged that the appeal site in its current state alluded to an urban fringe character. However, whilst I accept that the site is open, its planting and layout give it the clear appearance of domestic garden (albeit very large

and also rather unkempt) and the manner in which it is enclosed by other housing means I consider its contribution in that regard is limited. Similarly, while it has been alleged the scheme would divorce the visual interconnection between the northern and southern portions, that is already done to a great extent by the existing house, which runs across virtually the entire site from east to west.

30. The conservation area in the vicinity of the appeal site generally comprises 2-storey brick properties with pitched roofs, reflecting the manner in which it moves from the densely developed town centre out to the more peripheral areas where there is residential development of a lesser scale. There are clearly exceptions to this, such as the listed buildings discussed already, and the more recent redevelopments of Lucy's Mill and Avonside. However, the listed buildings have historical reasons that justify their specific designs and scales, while Avonside and Lucy's Mill are concealed to a certain degree. Moreover, a large building was present on the Lucy's Mill site before the current development was permitted and that could well have had a bearing on what was allowed, and the appellant appears to imply these schemes do not relate well to their surrounding historic context. Therefore, while undoubtedly part of the character and appearance of the conservation area, I consider they should not be used as benchmarks to define future schemes.
31. The row now proposed is of a different form and scale to what is around, for while the top floor is recessed to some degree to my mind they would still appear as a line of 3-storey flat-roofed houses. Moreover, the relatively little separation between them would serve to emphasise their cumulative scale. I see no objection in principle to a contemporary design or form within the conservation area. I also accept that merely being larger or different does not necessarily mean harm automatically follows. However, notwithstanding those points, in my judgement what is proposed would be of such a scale that it failed to accord with that of the built development around. As such, it would be unduly dominant and would sit awkwardly within the conservation area, conflicting with the pattern of residential properties of a smaller scale being found nearby. As a result, it would cause harm, albeit less than substantial, to the conservation area's significance.
32. The appellant is intending the proposal to have a greater presence in relation to the northern portion and be a visual terminus to that area. However, any benefit this brings does not justify the harm I have otherwise identified. I also appreciate that the existing building is of little design merit. However, it does have the advantage of being relatively low and built in a muted brick, and, when looking from the north, its various elements have a relatively unified appearance. Consequently, any adverse effect it has on the conservation area does not overcome my concerns.
33. Accordingly, I conclude the proposal would not preserve the character or appearance of the conservation area, and so would cause harm, albeit less than substantial, to its significance as a designated heritage asset.

Public benefits

34. The Framework goes on to say that any harm to the significance of a designated heritage asset should require clear and convincing justification, adding that where harm would be caused to a designated heritage asset this harm should be weighed against the public benefits. Whilst 5 extra houses

would be provided given the uncontested housing land supply situation in the District this benefit does not outweigh the harm. Moreover, while there are to be landscape improvements I am not aware of undue harm arising from its current state if suitably maintained, and so this too can be afforded limited weight.

Conclusions on this issue

35. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the Grade I listed Church of the Holy Trinity and the Grade II listed Soli House by reason of its effects on their settings. Moreover, it would also not preserve the character or appearance of the Stratford-upon-Avon Conservation Area, again causing less than substantial harm to its significance. In the absence of any public benefits that, even taken together, outweigh this harm, I conclude there is no clear and convincing justification for the proposal. It would therefore be contrary to Policy CS.8 in the *Stratford-on-Avon District Core Strategy* and Policy BE8 in the *Stratford-upon-Avon Neighbourhood Development Plan*, which seek to safeguard the historic environment.

Living conditions

36. Some of the principal rooms of 8 Trinity Street would face towards the appeal site and the side wall of the westernmost property in the row. This side wall comprises a 2-storey element that would be some 13m from the front elevation of that neighbouring house, and then a third storey set back with a separation of 16m. However, an intervening garage already creates a sense of enclosure at No 8 and would greatly restrict visibility of the 2-storey part of the new elevation. Although the third storey portion could well be seen from inside No 8, especially from the upper floor, that would be set back in line with the Council's adopted standards for 3-storey developments and its overall impact would be very much reduced by the lower storeys being concealed. Obscured glazing could also safeguard privacy. As a result, the relationship of the scheme to No 8 would be satisfactory.
37. I also consider that adequate interface distances would exist to all other surrounding properties to mean their residents experienced no undue loss of privacy or outlook. The level of noise generated by the scheme should not be unreasonable for a residential area of this nature.
38. Accordingly, I conclude the development would not detract unacceptably from the living conditions of neighbouring residents, and so would not conflict with Policy CS.9 in the *Stratford-on-Avon District Core Strategy*, which seeks to ensure adequate living conditions are maintained.

Conclusions

39. Although I have found the scheme would not harm the living conditions of adjacent residents, the adverse effects on the designated heritage assets means I dismiss the appeal.

JP Sargent

INSPECTOR