



Appeal Decision

Site visit made on 16 July 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/J3720/W/19/3226157

Garages on the land off Great William Street, Stratford-upon-Avon

- 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 Andrew Clarke against the decision of Stratford on Avon District Council.
 - The application Ref: 18/1582/FUL, dated 10 August 2018, was refused by notice dated 5 October 2018.
 - The development proposed is the demolition of existing five garages, to be replaced with an apartment over parking retaining four out of five parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that, subsequent to determining the planning application, the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031 (2018) (the NDP) has been made, and now forms part of the Development Plan. Accordingly, I have given it full weight in my decision.
3. I am aware of correspondence received by the Council, which indicates that notice of the appeal may not have been served on all affected land owners. I have no further details. However, as the party must have been aware of the appeal in order to communicate with the Council, I am satisfied that there has been an opportunity for all parties to comment on the appeal proceedings. Furthermore, it is incumbent upon me to assess the merits of the scheme before me in land use planning terms. I have proceeded on this basis.

Main Issue

4. The main issue is the effect of the development upon the living conditions of the occupiers of adjoining properties, with particular reference to nearby properties in Mulberry Street.

Reasons

5. The appeal site consists of a single storey garage building, with parking for five vehicles. This is accessed from Great William Street. To the west of the appeal site is Avon Mill, which is a large building in use as residential accommodation. To the south is Mulberry Street, which contains terraced houses with gardens to the rear.

6. Whilst the proposed development would have a comparable footprint to the existing garages, it would have a significantly greater height. Furthermore, whilst the building would feature a pitched roof, the actual slope is comparatively shallow. The rear elevation of the building would be constructed from brick, with little in the way of architectural relief. Accordingly, the resultant building would have a bulky and stark appearance that would be notably taller than the existing garages and boundary treatments.
7. For this reason and owing to the proximity of the appeal site to the rear boundaries of properties in Mulberry Street, the proposed development would have an overbearing effect on the adjoining gardens as a result of its height and general proportions. In addition, the proposed building would have a notable enclosing effect.
8. Whilst I appreciate that the size of the gardens of properties in Mulberry Street, which are on land lower than the appeal site, may not be untypical of terraced houses of this age, I note that they are relatively compact and appear to be well used. Outlook is also already restricted owing to the presence of Avon Mill. In consequence, the gardens and rear-facing habitable rooms are sensitive to change. This would mean that, from these properties, the proposed development would appear to have a greater height, thereby exacerbating the inappropriate form of development as it would represent an obtrusive and enclosing structure.
9. Accordingly, I conclude that the proposed development would have an adverse impact upon the living conditions of the occupiers of adjoining properties in Mulberry Street, as a result of the development being overbearing. Therefore, the proposal fails to comply with Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031) (2016); and Policies BE1, BE2, BE5 and BE6 of the NDP. Amongst other matters, these policies seek to ensure that new developments have a high standard of design and layout, are sensitive to neighbouring uses; take into account local character; have a high degree of sustainability; and preserve the living conditions of the occupiers of neighbouring properties.

Other Matters

10. Whilst the Council states that a five year housing land supply can be demonstrated, this has been questioned by the appellant. If I were to agree with the view of the appellant that there is not an adequate housing land supply, the tilted balance required by paragraph 11(d) of the National Planning Policy Framework (the Framework) would apply.
11. The tilted balance states that planning permission should be granted, unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The benefits are comparatively small given that the proposal is for a single dwelling only. These are significantly outweighed by the significant harm that would arise from the impact on neighbouring properties.
12. I acknowledge references, by the appellant, to the Council's Planning Advice Note 'Extending Your Home' (2008). I have not been provided with a copy of this document, but I understand that it has been designed to provide guidance in respect of domestic extensions. Therefore, it is not directly applicable to the development that is under consideration. Furthermore, having assessed the

development against the relevant parts of the Development Plan, I have found significant harm to the living conditions of neighbouring properties.

13. The appellant has also referred to an appeal¹ in Loxley Road in Stratford-upon-Avon. Whilst I do not have the full details of this proposal before me, I note that the separation distance between the existing and proposed dwellings is larger than the scheme before me. Furthermore, the Loxley Road scheme included soft landscaping to the side of the proposed dwelling, which provided additional mitigation. There is insufficient room to achieve this in the current proposal. Accordingly, I do not find that this appeal decision is sufficient to overcome my previous concerns.
14. I appreciate that the proposed development is unlikely to result in an undue loss of light or privacy for the occupiers of adjoining properties. However, this is only one of the matters I must consider and therefore does not render the proposal acceptable, nor does it outweigh the harm that I have identified in respect of the main issue.
15. I note that the appellant has raised concerns regarding the way in which the planning application was assessed. However, in considering this appeal, I have limited my assessment to the planning matters before me.
16. The appeal property is unlisted but is within the Stratford-upon-Avon Conservation Area. There is no dispute between the parties that the proposed physical works to the property, which would be minor in nature, would not have an adverse effect on the character or appearance of the Conservation Area. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the character and appearance of the designated area.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR

¹ Appeal Reference: APP/J3720/W/18/3193340