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## Appeal Decision

Site visit made on 16 July 2019

**by D. Szymanski, BSc (Hons) MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> August 2019**

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**Appeal Ref: APP/J3720/W/19/3227420**

**Land off Seymour Road, Stratford-upon-Avon, CV37 9EP**

- 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 G Sheward against the decision of Stratford-on-Avon District Council.
  - The application Ref: 18/03388/FUL dated 15 November 2018, was refused by notice dated 5 March 2019.
  - The development proposed is erection of a new detached self-build dwelling.
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### Decision

1. The appeal is allowed, and planning permission is granted for a new detached self-build dwelling at Land off Seymour Road, Stratford-upon-Avon, CV37 9EP in accordance with the terms of application Ref: 18/03388/FUL dated 15 November 2018, subject to the conditions set out in the schedule attached.

### Procedural Matters

2. During the consideration of the planning application, the appellant submitted an amended scheme and associated plans. The Council made its decision having regard to the amended scheme and plans and I have dealt with the appeal on this basis.

### Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

### Reasons

4. The appeal site appears as an access track and former part of the rear garden of No. 147 Evesham Road that is understood to have been historically fenced-off from that dwelling. It is the eastern most of several long rear plots to properties fronting Evesham Road, that have rear gardens that can be accessed by an unadopted private track understood to be known locally as Wheelbarrow Lane. To the west it is adjoined by an undeveloped vegetated strip of land that runs between Evesham Road and Wheelbarrow Lane, approximately 10 metres in width. This provides separation to a row of six dwellings fronting onto the south of Seymour Road.
5. The vegetated strip and the access not being directly from Seymour Road, serves to give a degree of separation of the proposed dwelling from the six

dwelling fronting Seymour Road, and unlike other dwellings nearby it would not have a frontage directly onto the public highway. However, the proposed development is on the same alignment as those to the west and would also be viewed in the context of comprehensively planned development north and west on Seymour Road. The visibility of the dwelling would be largely limited to nearby properties, and it is not prominently sited from the public highway. The proposed dwelling would be of a suitable design, scale, mass and siting within the plot, that is reflective of other nearby dwellings. For these reasons, in spite of not fronting Seymour Road, the proposed development would have a satisfactory relationship with other surrounding dwellings and not appear incongruous.

6. Wheelbarrow Lane is a track constructed of flattened material with a verdant centre line, that appears moderately trafficked. It has an informal feel, being bound by a variety of out buildings and verdant back gardens/plots in varying states of maintenance. The development of the appeal site through suitable hard surfacing and landscaping would overall, not have a harmful impact on the character and appearance of the area.
7. Therefore, for the reasons set out above the proposed development would not be harmful to the character and appearance of the area. It would not conflict with Policies AS.1, CS.5, CS.9 and CS.15 of the Stratford-on-Avon Core Strategy (2016) (the CS) and Policies H5 and BE2 of the Stratford-upon-Avon Neighbourhood Development Plan (2018) (the NP). The policies expect that (amongst other things) new development preserves and enhances the character and appearance of an area and is sensitive to its setting. The proposed development would also be compliant with section A4 of the Stratford-on-Avon Development Requirements Supplementary Planning Document (2018) (the SPD).
8. I also consider the proposed development to be compliant with paragraphs 70, 122 (d) and 127 of the National Planning Policy Framework as it would optimise the use of the land in a manner that maintains the character of the area.

### **Other Matters**

9. There has been concerns raised in respect of highway safety and access, including by emergency vehicles and construction vehicles. The appeal was accompanied by an Access Appraisal, which concludes that the site can be adequately accessed. I note that the Highway Authority raises no objection subject to suitable conditions. There is no evidence to suggest the proposed development would have an adverse effect upon users of the track, the efficient operation of the public highway, or the safety of its vehicular and pedestrian users.
10. In its report the Council has cited a conflict with Policy NE3 of the NP, however, from my site visit there did not appear to be any trees or hedgerows of any notable size or landscape value on the site. Moreover, this is a matter that I consider could be resolved by attaching a planning condition along the lines of that suggested by the Council, to any grant of planning permission. Therefore, from the evidence before me the development does not appear to result in a conflict with Policy NE3.
11. The Council has included a copy of a previous appeal off Wheelbarrow Lane to the east (appeal Ref: APP/J3720/W/16/3164728) and application plans. It

highlights that the appeal was dismissed because of the significant harm found to the character and appearance of the area, and the weight given to setting a precedent. Whilst I note the findings of the Inspector, that site and proposal differs to the current proposal. In particular, the 2016 proposal was visually isolated from other dwellings by a considerable degree as the appeal site was bordered by extensive garden space, that would have resulted in an incongruous appearance. It was also a far greater distance from the public highway than the current proposal.

12. I note the concerns raised about precedent, particularly that by approving this development other nearby plots could be the subject of similar proposals, and it would be more difficult for the Council to resist future development. However, there is a very specific set of circumstances at the current appeal site referenced above – namely the close relationship to dwellings to its north and west, and the proximity to Seymour Road. In practice, these circumstances would not generally arise on other plots nearby.
13. Third parties have raised concerns about the provision of utilities to the site. However, I see no reason as to why in principle, the development could not be connected to utilities infrastructure. Concerns have also been raised about waste collection, however, I note that the Council has consulted its waste collection team which is satisfied that bins could be collected from Seymour Road, and it would be a reasonable expectation that new residents take the bins that distance.
14. Subject to planning conditions in respect of obscure glazing and construction I am satisfied that there would be no harm to the living conditions of neighbouring properties.
15. In the Council's delegated report reference is made to the plans not scaling accurately, however, neither party has raised this matter in subsequent evidence submitted to this appeal. The submitted plans/drawings before me appear to scale accurately and would result in an acceptable development.

### **Conditions**

16. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance. As well as the standard condition specifying the time limits for commencement of development, compliance with the approved plans is necessary to provide certainty. In the interests of living conditions of neighbours, I consider it necessary to impose a condition requiring the first floor bathroom window be obscure glazed. In the interest of visual amenity, I attach conditions in relation to external materials and landscaping.
17. A condition requiring a Construction Management Plan during construction is necessary in the interests of highway safety and in the interests of the living conditions of neighbours. In the interests of highway safety, a condition is necessary to ensure the implementation and retention of suitable surfacing of the track, parking and circulation. In the interests of living conditions of neighbours, it is necessary to impose a condition in respect of hours of working during construction.
18. To ensure no protected species are harmed, I consider it necessary to impose a condition to ensure the recommendations of the Ecological Appraisal are

followed. To comply with the requirement for proposals to be environmentally sustainable and support the transition to a low carbon economy I consider it necessary to include a planning condition to require the provision of cabling to facilitate electric vehicle charging points in the future. To comply with the requirement for proposals to be environmentally sustainable, I consider it necessary to require the provision of a water butt.

19. To safeguard against pollution and ensure that surface water run-off does not increase the risk of flooding elsewhere, I consider it necessary to impose a condition to secure a scheme for foul and surface water disposal. I have not imposed a condition requiring the provision of refuse bins as waste and recycling is the duty of another Council service. Condition 13 is pre-commencement as it cannot be satisfactorily dealt with any other way and has been agreed by the appellant.

**Conclusion**

20. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission be granted.

*Dan Szymanski*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans and drawings: 2535-03 (dated January 2019); and, 2535-04 (dated January 2019).
- 3) No construction above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples.
- 4) Prior to the first occupation of the dwelling hereby permitted, the first floor side facing bathroom window shall be fitted with obscured glazing (minimum of level 3 obscure glass) and shall be permanently retained in that condition thereafter.
- 5) Prior to construction of the development above slab level a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
  - a) planting plans;
  - b) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
  - c) a schedule of plants noting species, plant sizes and proposed numbers/densities;
  - d) existing landscape features such as trees, hedges and ponds to be retained accurately plotted;
  - e) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform);
  - f) hard surfacing materials including details of manufacturer, type and design, colour and bonding pattern; and,
  - g) details of boundary treatments including walls and fence designs.

The hard and soft landscaping shall be carried out in accordance with the approved details before the development is first occupied. If within a period of five years from the date the soft planting is undertaken pursuant to this condition, any soft planting is removed, uprooted or destroyed or dies, or becomes, seriously damaged or defective, it shall be replaced in the next planting season by the same planting as originally approved.
- 6) No construction shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for details to prevent mud and debris on the public highway, shall identify suitable areas for the parking of contractors and visitors, and the unloading and storage of materials. The approved

Construction Management Plan shall be adhered to throughout the construction period of the development.

- 7) Construction works shall be restricted to between 08:30 and 18:00 Monday to Saturday and 08:30 and 15:30 on Saturdays. No construction shall take place on Sundays or Public or Bank Holidays.
- 8) The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for its whole length from the near edge of the public highway carriageway to the Easternmost point of the site boundary in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
- 9) The development shall not be occupied until space has been provided within the site for the parking and turning of cars in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, as indicated on submitted plan/drawing number 2535 – 03 (dated January 2019).
- 10) The development hereby permitted shall be carried out in accordance with the recommendations for nesting birds contained in section 4 of the Ecological Appraisal by Reports 4 Planning dated 4th October 2018.
- 11) Prior to the occupation of the development hereby permitted, the dwelling shall provide cabling of at least a 7kW supply to facilitate electric vehicle charging points in the future.
- 12) The dwelling hereby permitted shall not be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the down pipe. The water butt shall thereafter be retained.
- 13) Notwithstanding the details submitted, prior to the commencement of development, a scheme for foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the building hereby permitted, and these shall be retained thereafter.

## **End of Schedule**