
Appeal Decision

Site visit made on 16 October 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/J3720/W/19/3235261

35 St Marys Road, Stratford upon Avon, Warwickshire CV37 6XG

- 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 Stephen Wreford against the decision of Stratford on Avon District Council.
 - The application Ref 19/01109/FUL, dated 16 April 2019, was refused by notice dated 16 July 2019.
 - The development proposed is described as 'Demolition of an existing dwelling, erection of 2no. new semi-detached dwellings'.
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Decision

1. The decision is dismissed.

Procedural Matters

2. The Council submitted policies from the Referendum Version (September 2018) of the Stratford-upon-Avon Neighbourhood Development Plan (NDP). It has confirmed that since the NDP was 'made' in December 2018 no changes have been made to the wording of the relevant policies referred to in the Referendum Version.
3. During the determination of this appeal a revised and reduced scheme for two dwellings has since been approved¹ by the Council on the appeal site. I have not been furnished with the details or plans of the scheme. Notwithstanding the approval of a revised scheme, I have determined the appeal before me on its own planning merits.

Main Issues

4. The main issues in this appeal are i) the effect of the proposed development on the character and appearance of the area, and ii) the effect of the proposed development on the living conditions of occupiers of 33 St Marys Road (No.33) with regard to light.

Reasons

Character and appearance

5. The appeal site contains a white-rendered, hipped roof, single-storey bungalow, with a diagonal tarmac driveway across the frontage leading to a garage. The property is set back from the road, respecting the prevailing

¹ 19/02144/FUL granted 16 September 2019

building line. The area is predominantly residential of mainly two storey dwellings. To the north of the appeal site are the more modern 1970s houses of more uniform design and higher density, and immediately adjacent is a contemporary development of 4 dwellings. To the south are the older, larger and more traditional and lower density housing, displaying a greater mix of house styles and designs. As such, the appeal site serves as a transition or termination point between these two characters. Being wider than the prevailing plots and occupied by a single storey dwelling, this creates a more spacious gap between the adjacent developments.

6. The appeal proposal would see the demolition of the existing bungalow and erection of a pair of semi-detached contemporary 4 and 5 bedroom dwellings, not dissimilar in design to the adjacent 4 modern dwellings. The pair of semi-detached dwellings would be asymmetrical, as each dwelling would have a different appearance, combination of materials, footprint and layout. The dwellings would be set back from the road, roughly occupying the same part of the site as the bungalow. A new access would be created, positioned centrally along the site frontage and would lead to a shared driveway. Both dwellings would have an integral single garage, with additional parking space in front of each dwelling. As the appeal site is wider than most plots, its subdivision into two would result in plots broadly commensurate with prevailing plot sizes in the area. The dwellings would each have a rear garden area that exceeds the guidance for 4-bedroom dwellings, as set out in Table D1 of the Council's "Development Requirements" Supplementary Planning Document (SPD).
7. The elevations would be articulated with windows, doors, contrasting mix of red and buff coloured bricks, flat and pitched roofs. Some of the upper floors would be set back from the front and rear elevations, and Plot 1 would have a projecting bay. These features are encouraged in the Council's SPD. However, the degree of forward projection of the bay would be excessive and disrupt the building line and character of the street scene.
8. Furthermore, it was apparent from my site visit that there are different sized gaps between dwellings along St Marys Road. Plot 1 would be in close proximity to No.33 particularly at first floor, which overhangs the ground floor. The appellant has corrected the street scene elevation (in figure 1 of his Final Comments) to more accurately reflect the reduced separation arising from the overhanging first floor, which is now shown to be about 1.1m instead of about 1.86m. I consider the gap and separation distance would be substantially narrower than the gaps between other dwellings in the street, creating a more cramped form of development that would be out of keeping with the street scene.
9. The proposed dwellings would be deeper than the prevailing dwellings in the area, although they would be comparable to the recent dwellings adjacent to the north. I acknowledge the appellant could decide instead to retain the bungalow and extend it under permitted development, hence increasing its width and depth. I am told that this remains a genuine and realistic prospect. This 'fall-back' is a material consideration in light of the Court judgement² the appellant refers me to. However, it is unlikely that the permitted development allowances for a single storey bungalow would result in the same scale and bulk of building and impact on the character and appearance of the area as the

² Mansell v Tonbridge and Malling BC [2017] EWHC 2832 (Admin) dated 8 September 2017

appeal proposal. Furthermore, the appellant advises in the submitted Design & Access Statement that the bungalow is in poor condition internally and externally. In my view this would introduce some doubt as to the likelihood of retaining the property and extending it. Therefore, while the 'fall-back' remains a theoretical possibility I give it moderate weight. Nonetheless, whether or not the bungalow is extended under permitted development would not negate the harm to the character of the area that would arise from the other aspects of the appeal proposal.

10. In its Statement, the Council refers to the proposal falling foul of Part O of its SPD which refers to a preference for garages to be positioned to the side or rear of dwellings. However, the Council has not refused the appeal scheme based on garages being at the front of the dwellings. It is the extent of the forward projection as a whole, whatever its use, that is of concern in this case. This is borne out by the fact the Council has recently approved the amended scheme on the site which, according to the appellant, still incorporates a forward projection with integral garage at the front. The Council's approval of forward projections elsewhere in the borough does not indicate a blanket acceptance of them, as each proposal needs to be assessed in its context and on its overall planning merits.
11. To conclude, I find the proposal, in particular plot 1 with its close siting to the side of No.33 together with the forward projection, and overall depth would combine to result in an uncharacteristic form of development that would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policies CS.5 and CS.9 of the Stratford-on-Avon District Core Strategy adopted 2016 (the 'Core Strategy') and policies BE1, BE2 and BE5 of the NDP. These policies collectively seek, amongst other things, the highest standards of design and layout whilst being sensitive to setting and context and to preserve or enhance the character of the area.

Living conditions

12. As mentioned above, the gap between the side of Plot 1 and No.33 is narrow, particularly at first floor level. The appellant has submitted the elevations and floor plans submitted for the planning application to extend No.33. They show No.33 has a dining/kitchen whose two windows are on the side elevation and face the timber boundary fence and the shrubbery in the garden of the appeal site. The windows are incorporated into a semi covered side access with full height openings in the brickwork to correspond to the windows. Kitchens are not normally considered to be 'habitable' rooms. However, I regard this one to be due to its open plan nature and integral and sizeable dining area. Due to previous extensions, light to this kitchen/dining area is mostly gained from the two side elevation windows.
13. The proposal would introduce a two storey building in close proximity to the side of No.33 that would reduce light to these windows, something the occupiers of No.33 have expressed concern about.
14. I find the proposal, in particular Plot 1, would harm the living conditions currently enjoyed by occupiers of No.33 with regard to light. Accordingly, the proposal would be contrary to Core Strategy policy CS.9 and NDP Policies H5 and BE6. These seek to ensure development makes best use of land but is sensitive to neighbouring uses and does not significantly impact on the amenities of neighbouring properties.

15. Despite some marginal breaches of the 45 and 25 degree lines, the Council is satisfied there would not be any harmful loss of light to any other windows or privacy issues, and some windows could be conditioned to be obscure glaze. I have no reason to come to a different conclusion. Hence, there would be no loss of amenity to the use of the side access way or to the outside space beyond the end of No.33. However, this would not overcome the harm I have identified.

Other Matters

16. A number of residents raise a series of other concerns about the proposal. But in view of the reasons for refusal and my conclusions on the main issue there is no need for me to address these in the current decision.

Conclusion

17. For the reasons given above, I conclude that the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal should be dismissed.

K. Stephens
INSPECTOR