



Appeal Decision

Site visit made on 21 February 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2020

Appeal Ref: APP/J3720/W/19/3234586

Garage Blocks, St Swithins Drive, Lower Quinton CV37 8SB

- 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 Prime UK Property Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/01046/FUL, dated 15 April 2019, was refused by notice dated 28 June 2019.
 - The development proposed is the construction of three dwellings and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of three dwellings and associated works at garage blocks, St Swithins Drive, Lower Quinton CV37 8SB in accordance with the terms of the application, Ref 19/01046/FUL, dated 15 April 2019, subject to the schedule of conditions to this decision.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located within a corner of a cul-de-sac in a residential area. It has been cleared of buildings and is enclosed either side by a high level timber fence. The prevailing character of the street is open and spacious, attributed to by shared car parking areas and grass verges. There are a mix of building types within the vicinity of the site, including the adjacent three storey blocks of flats, and two-storey terraced and semi-detached dwellings. The prevailing appearance of the buildings within the street consists of roofs that are pitched front to back, with gables to the sides, and brick elevations.
4. The proposed residential development would have a shared carpark and landscaping to the front of the site. This would provide a set back from the road that would reflect the prevailing open appearance of the cul-de-sac. As such the proposed dwellings would not appear cramped or overdeveloped in the context of the surrounding area.
5. The proposed dwellings would be arranged in a terrace, which would complement the style of housing within the vicinity of the site. The proposed three storeys would reflect the height of the adjacent flats, the

windows would be positioned at a comparable level, and its roof would have a similar appearance, providing a likeness in the buildings overall form.

6. The height of the terrace would have regard to the two storey properties on Aylestone Close, by having a step in the ridge line, resulting in a lower roof height of the proposed dwelling adjacent to No 15. In my opinion this stepped appearance, would ensure that the dwellings would not appear dominant, and the style and scale of the dwellings would be in keeping with the area.
7. Whilst the staggered front elevation of the terrace would not strictly adhere to the building line of the adjoining block of flats, because of the proposed buildings set back, and its corner location, I am satisfied that it would not appear prominent.
8. Therefore, for the aforementioned reasons, the dwellings would not appear incongruous within the street scene, and overall the scale and mass of the building would respect those which surround the site.
9. Consequently, the development would not harm the character and appearance of the area. It is consistent with Policies CS.9 and AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016), which seek to ensure that development is of high quality design, that respects local context and integrates within its surroundings. It is also consistent with the design objectives in paragraph 127 of the National Planning Policy Framework.

Other Matters

10. Since the appeal was submitted, I understand that planning permission (Ref 19/02422/FUL) for an alternative scheme has been granted by the Council. However, this does not affect my findings on the mains issue above.
11. I have considered the concerns raised by the Parish Council, and local residents with regards to loss of light and privacy of adjoining occupiers. However, there is no evidence before me that the development would cause demonstrable harm to the living conditions of adjoining occupiers in this regard. Therefore, this does not affect my findings above.
12. Concerns have been raised regarding parking provision, and access for emergency vehicles. However, there is no evidence before me of demonstrable harm in this regard, and I understand that the Local Highway Authority has no objections. This does not alter my findings above.
13. A similar application was previously withdrawn, and I understand there are empty properties in the area, and residents feel there is no need for these homes and two smaller properties would be more suitable. However, I have determined this appeal on its own merits, based on the evidence before me. This does not affect my findings.

Conditions

14. I have considered the Council's recommended conditions in the officer report, altered where necessary for clarity and to ensure compliance with the relevant tests. I have imposed a condition specifying the approved plans as this provides certainty. Conditions relating to contamination and drainage are necessary to safeguard the health and safety of future occupiers.

Conditions relating to materials and landscaping are necessary in the interests of the character and appearance of the area. I have also attached conditions in relation to water butts and electric vehicle charging to encourage the re-use of water and use of low emission vehicles.

15. I have not included a separate planning condition relating to parking and turning area, this is unnecessary as it is adequately controlled through the approved plans and landscaping conditions.

Conclusion

16. For the reasons given above and having regard to all other matters, I conclude that the appeal is allowed.

R Cooper

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Survey and Location Plan Job No. 9505.02 Rev A; Site Layout and Street Scene Job No. 9505.03 Rev E; Plans and Elevations Job No. 9505.04 Rev D; and Site Plan – Demolition Job No. 9505.05 Rev A.
- 3) No development above slab level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
 - ii) details of existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed;
 - iii) a statement setting out the design objectives and how these will be delivered;
 - iv) a scheme of management, protection and maintenance of all retained and new tree, hedge and shrub planting;
 - v) earthworks showing existing and proposed finished levels or contours;
 - vi) boundary treatments, means of enclosure and retaining structures;
 - vii) vehicle parking layouts;
 - viii) other vehicle and pedestrian access and circulation areas;
 - ix) hard surfacing materials;

x) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority.

The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

- 6) No dwelling that has a rainwater downpipe shall be occupied until it has been fitted with a water butt in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The approved infrastructure shall be retained thereafter.
- 7) No dwelling shall be occupied until an electric vehicle charging point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The approved infrastructure shall be retained thereafter.

END OF SCHEDULE