
Appeal Decision

Site visit made on 16 July 2020

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/J3720/D/19/3234630

The Spinney, Church Street, Welford on Avon CV37 8EJ

- 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 D Sargent against the decision of Stratford on Avon District Council.
 - The application Ref 19/00634/FUL, dated 7 March 2019, was refused by notice dated 27 June 2019.
 - The development proposed is the installation of timber front entrance gates and rear garden pergola structures.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of timber front entrance gates and rear garden pergola structures at The Spinney, Church Street, Welford on Avon CV37 8ES in accordance with the terms of the application, Ref 19/00634/FUL, dated 7 March 2019.

Procedural matters

2. Although described as being on Keytes Lane on the application form, on other submissions the site is said to be on Church Lane, and I have reflected this in the address I have used above.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the locality and, in particular, whether it fails to preserve the character or appearance of the Welford-on-Avon Conservation Area.

Reasons

4. The Welford-on-Avon Conservation Area contains a mix of houses of differing ages and styles, that sit in plots of a range of sizes and shapes, enclosed by a variety of boundary treatments. To my mind the nature of these features and their diversity reflect the rural origins of the village and its evolution over many centuries, and so contribute to its significance as a heritage asset. The Spinney adds to this significance, being an attractive, modern, sympathetically designed house on a sizeable irregular curtilage. The property is accessed off a short cul-de-sac of older dwellings and some new houses.
5. I understand that the gates and pergola structures that I saw on site are the ones subject of this appeal.

6. Turning first to the pergolas, to my mind from the submitted documents it is clear that the appellant is seeking to retain the various 'goalpost' structures running along the northern side of the plot, as well as the long frame that stands at the western end. I consider these are not unreasonably tall or dominant in a garden of this nature and size, and, mindful of their extent and form, they do not appear discordant. Although no doubt visible from surrounding properties, they can only be glimpsed from the public domain. Consequently, taking these points together, they do not fail to preserve the character or the appearance of the conservation area, and do not detract unacceptably from the character or appearance of the locality.
7. With regard to the gates, the materials, colour and shaped design are not necessarily inappropriate for a dwelling in a historic rural village. However, I consider that the suitability of using such gates is very much influenced by the specific context of the development. In this instance they are to one side of the lane and set back from the carriageway, so they are only apparent when around the end of the cul-de-sac. As a result, they do not dominate the streetscape and views over them are possible. Moreover, they are seen next to a taller wall. Therefore, they are not overbearing and do not cause harm to any sense of openness experienced on the lane or in the conservation area.
8. In coming to this view, I accept that there may not be many gates of this size and nature across the conservation area, with accesses tending to be more open. However, that in itself does not mean such gates are harmful in this specific context. Moreover, although the Council made no reference in its decision to the *Development Requirements SPD*, the *Extending your Home* Planning Advice Note or the *Stratford-on-Avon District Design Guide* I have nonetheless noted their contents. Given my reasoning above, I see nothing in these documents that would justify resisting this development. Whilst the Design Guide says boundaries facing public rights of way should not be close boarded, it goes on to say close boarding should be 'generally' restricted to side and rear boundaries, thereby not prohibiting its use elsewhere. In any event, given I have found no harm resulting from these gates, that advice alone in adopted guidance would not be sufficient to justify dismissing the appeal.
9. The significance of the Grade I listed Church of St Peter lies partly in the way its tower dominates the village and acts as a focal point. The height of the gates means they do not impinge to any harmful extent onto views of this tower. The significance of the Grade II listed Daffodil Cottage is to some extent a result of its presence in the streetscape and the way in which its architectural detailing reflects its age and origins. The separation between that cottage and the development, and the domestic nature of the cul-de-sac, mean the works do not adversely affect the experience of that property. As such, the development does not fail to preserve the settings of these listed buildings.
10. Accordingly, I conclude that the development does not harm the character or appearance of the locality and does not fail to preserve the character or appearance of the Welford-on-Avon Conservation Area. As such it does not conflict with Policies CS.8 or CS.9 in the *Stratford-on-Avon District Core Strategy* or Policies HE4 and HLU2 in the *Welford-on-Avon Neighbourhood Development Plan*, which all broadly seek development that preserves the historic character of the area and is of a high quality design reflecting local distinctiveness.

Other matters

11. Although it may be visible from neighbouring houses, given the distances involved, the boundary fencing and vegetation, and its scale, the development does not cause unreasonable harm to the living conditions of surrounding residents.
12. If there are other unauthorised works on the site they lie outside of the scope of this decision and so have not affected my findings.

Conditions

13. The Council has suggested 2 conditions be imposed requiring the development to be in accordance with the submitted drawings. Mindful that the works have been completed, and taking note of advice in paragraph 55 of the *National Planning Policy Framework*, I am not satisfied these conditions in this instance are necessary.

Conclusions

14. For the reasons stated I conclude that planning permission should be granted.

J P Sargent

INSPECTOR