



Appeal Decision

Site visit made on 26 August 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/J3720/W/20/3250411

Naunton Lodge, 203 Banbury Road, Stratford-Upon-Avon CV37 7HT

- 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 A P Francis Builders Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 20/00105/FUL, dated 10 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is erection of car port.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of car port at Naunton Lodge, 203 Banbury Road, Stratford-Upon-Avon CV37 7HT, in accordance with the terms of application reference 20/00105/FUL, dated 10 January 2020, and subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. The appeal site is currently being redeveloped to provide an apartment building. The new building is set well back from the road with car parking proposed to the front. The site itself is mainly enclosed by a number of large trees and significant levels of mature landscaping. Accordingly, the area to the front of the new building is difficult to discern when stood within the public realm.
4. The proposal would introduce a car port to the front of the new building. It would have a large footprint, however, it would be single storey and present its narrowest elevation to the highway. Due to the heavily landscaped boundaries of the appeal site, the structure would be significantly screened from the road. Although glimpsed views may be achieved, the structure would be set back from the highway and would be substantially smaller than the principal building on the site. Accordingly, I am satisfied that the proposed car port would not dominate the site or appear overly prominent within the street scene.
5. Instead, the structure would be suitably recessive and complementary to the rest of the site. It would be heavily screened and any views that would be achieved would be seen in the context of a much larger building and within a

landscaped setting. Moreover, subject to a suitably worded condition, I am satisfied that the trees on the site can be adequately protected.

6. Accordingly, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with Policies CS.5 and CS.9 of the Stratford-on-Avon Core Strategy (2011 to 2031) and Policies BE1, BE2 and BE5 of the Stratford-upon-Avon Neighbourhood Development Plan (2011-2031). Taken together, these seek amongst other things, high quality design that understands local context, including landscape character.

Conditions

7. In light of my findings set out above, conditions are necessary to establish the time limit for commencing development as well as to specify the approved drawing numbers. Condition 3 is necessary to ensure suitable facing materials are used in the development and condition 4 is necessary to ensure existing trees are suitably protected.
8. The Council have also suggested other conditions in relation to water resources, bin storage and electric vehicle charging points. However, this proposal does not relate to the broader redevelopment of the site and instead solely relates to the erection of a car port. Accordingly, I find that the suggested conditions are disproportionate to the matter at hand and that therefore they are unnecessary and unreasonable. As a consequence, I have not imposed them. Where conditions require details to be approved before development commences, the appellant has agreed to this matter.

Conclusion

9. For the reasons identified above, the appeal is allowed and planning permission is granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings: 550-08 Rev A and 550-09 Rev A.
- 3) Prior to the commencement of development hereby approved proceeding above ground floor slab level samples and trade descriptions of the external facing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved materials.
- 4) No demolition, site clearance or building operations of any type shall commence, or equipment, machinery or materials be brought onto site until the tree protection measures set out in the submitted Tree report by Cotswold Wildlife Surveys dated 8th August 2019 are implemented in full and further tree protection measures are submitted and approved in writing by the Local Planning Authority with respect to the trees along the northern boundary of the site. All works shall accord with the following details:
 - a) Stout protective fencing shall be erected prior to the commencement of development
 - b) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - c) No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a root protection area (RPA) that seepage or displacement could cause them to enter a root protection area.
 - d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree within or adjacent to the site.

The fencing shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.