
Appeal Decision

Site visit made on 16 September 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/J3720/W/20/3244794

Mewslade, Poolhead Lane, Tanworth-in-Arden B94 5ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gerard Hallahan against the decision of Stratford on Avon District Council.
 - The application Ref 19/02306/OUT, dated 14 August 2019, was refused by notice dated 14 November 2019.
 - The development proposed is the demolition of the existing dwelling and the erection of a new building of 5 apartments with associated parking.
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Decision

1. The appeal is dismissed

Procedural matters

2. This is an outline application with all matters but layout and access being reserved for subsequent consideration. Other than where it deals with those 2 matters, I have therefore treated the submitted plan as being illustrative.

Main Issues

3. The main issues in this case are
 - a) the development's impact on the character and appearance of the area,
 - b) whether this is inappropriate development in the Green Belt and its effect on openness, and
 - c) its impact on the living conditions of neighbouring residents due to noise and lighting.

Reasons

Character and appearance

4. Along Poolhead Lane are dwellings of a wide range of individual designs and styles. However, on the whole they are large, are one or 2 storeys in height, and sit within sizeable plots behind significant planting in their front gardens.
5. The proposal would be a flatted development when the other properties on the road appeared to be individual houses, but I see no reason why that, of itself, need harm the character and appearance of the area. Whilst the identified need in the Parish may be for different types of accommodation, that does not necessarily stand in the way of this development.

6. The detailed design would be for consideration at a later stage. However, while the illustrative plan shows the building accommodating these 5 flats would have a front elevation alluding to that of a dwelling, it would nonetheless be very large, even in the context of Poolhead Lane. Moreover, from the road and from the surrounding gardens there would be an awareness of its pronounced depth at first and second floor levels. A building of such dimensions, bulk and volume would be notably at odds with the scale and built form that is typical of the area, and so would be overbearing and discordant in the streetscape, detracting from the character and appearance of the lane.
7. The existing dwelling could be extended under 'permitted development' rights, but even if such works were to be undertaken the scale, bulk or impact of the resultant building would not be as great as that of the proposal on the illustrative plan.
8. The main parking area would be to the rear of the property, and would be accessed by a long drive. These could be laid out and constructed in a way that safeguarded the trees that contributed most to the amenity of the locality. Green space would be lost but that would be mainly lawns and ornamental shrubs and would not be harmful. There were few examples of rear parking along the lane. However, given the diversity of housing layouts that exist and the size of the rear gardens, I see no reason why its introduction here should unacceptably affect the character or appearance of the surroundings if suitably finished.
9. Given its location amongst houses, I also find it would not harm the wider landscape around the settlement.
10. Accordingly, based on the information before me I conclude the development would detract unacceptably from the character and appearance of the area, and so would conflict with Policy CS.9 in the *Stratford-on-Avon Core Strategy*, which seeks high quality design respecting local distinctiveness.

Green Belt

11. The site is in the designated Green Belt. The *National Planning Policy Framework* (the Framework) says in such areas new buildings should be regarded as inappropriate and, by definition, harmful. However, in paragraph 145 it gives some exceptions to this, the only one of which I consider to be applicable to this case is exception (e), namely the '*limited infilling in villages*'. Core Strategy Policy CS.10 is worded slightly differently, as it restricts limited infilling in villages in the Green Belt to Local Service Villages only.
12. The Framework does not define what is meant by a village for the purposes of interpreting paragraph 145(e). However, the site is within Wood End, which is a Category 4 Local Service Village in the development plan. Given this and taking account of its size, Wood End should be treated as a village for the purposes of paragraph 145(e).
13. Moreover, along the east side of Poolhead Lane is a long line of houses that are set back a roughly similar distance from the road. The dwelling on site now respects this arrangement, and runs across much of the width of the plot. The proposed building would stand in a roughly similar place (albeit with a bigger

- footprint), between the 2 dwellings to either side. To my mind it can therefore be reasonably described as infilling.
14. There is no definition given in national guidance as to when the infilling in villages envisaged under paragraph 145(e) should be deemed '*limited*'. It seems reasonable that the phrase must acknowledge an increase in development on a site, and so a proposal cannot be excluded merely because it results in additional built form. Moreover, whilst 5 dwellings are to be introduced where there is just one now they would be smaller, and so relying on the increase in unit numbers alone is also too simplistic.
 15. However, the building on the elevation of the illustrative plan would have considerably more bulk on its northern side than the existing dwelling, and, as stated, there would be an awareness that it would extend rearwards over 3 floors for an appreciable distance. Therefore, it would be of a significantly larger bulk and scale than the existing house, the dwellings to either side, and even the characteristic form of housing on the lane. Taking these factors together, I consider what is illustrated cannot be deemed as being '*limited*' for the purposes of paragraph 145(e).
 16. Moreover, due to its scale the development would have a greater impact on the openness of the Green Belt than the existing development. Mindful that the maintenance of openness is one of the fundamental aims of Green Belt policy, this is a matter to which I also give significant weight. I accept though that its location within a row of other dwellings means the scale of this adverse effect would be restricted. However, had I assessed the scheme against the exception in paragraph 145(g) of the Framework, which concerns limited infilling on previously-developed land, this finding of a greater impact on openness would have prevented that exception from applying to the scheme before me.
 17. Whilst other nearby developments have been allowed that were also in the Green Belt, the circumstances of those sites are unclear and, in many cases, the individual buildings that have been built are not of so great a scale or bulk as what is now shown before me. As such, I cannot be certain how the definition of '*limited infilling*' was applied in those cases, and indeed some may have been considered against other exceptions in paragraph 145. Under 'permitted development' rights the existing dwelling could be extended, whilst a very large building could be built in the back garden. The mere fact that such works could be undertaken without needing express planning permission does not, to my mind, have a bearing on my assessment of '*limited*' infilling as they are for a different development and may never be implemented. Consequently, they do not lead me to change my finding on this issue.
 18. The eventual scheme subject of the reserved matters application could be smaller, but I have no indication as to whether that would, in fact, be so, or how much smaller such a development would be. As a consequence, it cannot be given significant weight in my reasoning.
 19. There would be associated development across the site such as parking areas and driveways, and I have no reason to consider these would be laid if this scheme did not proceed. However, paragraph 145(e) concerns the construction of new buildings, and the car parks and drives are set at ground level. Their presence therefore does not contribute to me finding that the scheme would not be '*limited*'.

20. Accordingly, I conclude the scheme as shown on the illustrative plan cannot be defined as limited infilling in a village, and so it would be inappropriate development within the Green Belt and would not fall under paragraph 145(e) in the Framework.

Living conditions

21. The rear parking area would be at the eastern end of the plot while its access would run along the northern side. As such, any noise or light disturbance created by its use should not cause unreasonable nuisance for the occupants of Oak Haven to the south. Moreover, the primary windows to that bungalow appear to be away from the boundary and the illustrative plan shows the proposal would respect the silhouette of the existing dwelling on site. Consequently, the scheme should not harm the privacy or daylight enjoyed in that neighbouring house, or prove over-dominant.
22. To the rear is the sizeable garden of another house. However, the dwelling itself is some distance away from this boundary and so those in that house would not experience harmful nuisance from noise or lighting. Although noise and lighting may be appreciated within that garden, I anticipate its magnitude need not be great enough to detract unacceptably from the living conditions enjoyed there.
23. Braeside to the north would abut the access to the rear car park. Again, though the amount of vehicular activity associated with these 5 flats need not be so great as to cause unacceptable noise nuisance in that dwelling or its garden, especially if a solid fence were to be introduced. Conditions at the reserved matters stage could also control any lighting to minimise its impact.
24. In its side elevation Braeside has a large window looking southwards across its drive and over the front of the appeal site, and the development would be apparent from there. However, when the distances are taken into account and also the sense of openness that would be maintained towards Poolhead Lane, I consider that window would not be enclosed unduly.
25. To the rear, there is a concern the proposal would encroach into the 45° visibility splay from upper floor windows at Braeside. However, boundary trees mean that view is impeded to a great extent now, while the building itself would be still some distance away. Therefore, even with the development a relatively open aspect would continue to be enjoyed from that property and the scheme would not be over-dominant.
26. Although views from the flats may well be possible into neighbouring gardens, that is not unreasonable in a line of residential properties and would not, of itself, constitute an unacceptable impact.
27. Accordingly, I conclude that the scheme would not cause unreasonable harm to the living conditions enjoyed at neighbouring properties, and so in this regard would not conflict with Core Strategy Policy CS.9 and its aims of safeguarding neighbouring living conditions.

Other matters

28. Given the nature of the road I consider the use of the access by traffic associated with this development would not compromise highway safety. The

staggered relationship with the golf course entrance opposite should ensure no undue vehicular conflict.

Planning Balance

29. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. The extensions and the large rear building that could be built under 'permitted development' rights are not existing now, and I have no reason to consider there is a real prospect they would proceed if I dismissed the appeal. In any event, the additions to the house would still result in a building that was notably smaller than what is proposed, whilst the rear building would be much lower. Their effect would therefore not be comparable. All trees on site could also be felled, but again I see no reason why such measures would be taken.
31. Therefore, I conclude the harm to the Green Belt and other harm that I have identified is not clearly outweighed by these considerations, or indeed any other considerations that may exist. As such, the development would conflict with the Framework and Core Strategy Policy CS.10.

Conclusions

32. I conclude that the appeal should be dismissed.

JP Sargent

INSPECTOR