



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: 19 October 2020

Appeal Ref: APP/J3720/W/20/3252584

The Old Tramway, 91 Shipston Road, Stratford-Upon-Avon CV37 7LW

- 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 Punch Partnerships (PML) Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 19/03151/FUL, dated 31 October 2019, was refused by notice dated 17 April 2020.
 - The development proposed is demolition of existing club house to the rear of the Old Tramway Public House and erection of two three-storey detached residential dwellings, including improvements to the public house vehicular access, raised pedestrian walkways, car parking, landscaping and other ancillary works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) flood risk; and
 - ii) the character and appearance of the area, having particular regard to the Stratford-upon-Avon Conservation Area.

Reasons

Flood risk

3. Based on the evidence before me, the appeal site is located within Flood Zone 3a. Accordingly, it has a high probability of flooding. The National Planning Policy Framework (the Framework) confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Due to the location of the appeal site, the requirements of the sequential test are triggered. The aim of the test is to steer new development to areas with the lowest risk of flooding.
4. The existing building benefits from an A4 use due to its relationship with the public house and as such, it is classed as a 'more vulnerable' use. It is also located at ground level and therefore, users of the building are not afforded any protection from the risk associated with its location. Residential use is also classed as a 'more vulnerable' use. Accordingly, based on national advice, the risk associated with the uses are comparable.

5. On this basis, the appellant is of the view that the proposal has the potential to bring with it an improvement in flood risk. This is because it would lift the usable accommodation above ground floor level. Accordingly, when applying the sequential test, they have only sought to consider sites that offer a similar potential betterment in terms of flood risk. Upon undertaking this exercise, the only site that has been considered is that of the appeal site.
6. The comments in relation to betterment are understood. However, as identified above, this is not the requirement of the sequential test. The PPG is quite clear that only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered. I have not been provided with any evidence to suggest that alternative sites have been considered. This is despite comments from the Council which refer to a healthy housing land supply position with a number of unimplemented extant planning permissions.
7. Based on the evidence before me, I am not satisfied that a true sequential assessment of alternative sites has been undertaken. Instead, I find that the approach seeks to apply the exception test to enable the perceived betterment in terms of flood risk to be taken into account. On this point, I note the advice from the Environment Agency (EA) in relation to the likely improvements to flood risk. I also note the recent development at 61 Shipston Road. Whilst the EA comments hold some weight in favour of the proposal, I am firmly of the view that in failing to undertake a true sequential assessment in relation to alternative sites, the proposal fails to comply with the requirements of both the Framework and the PPG.
8. Accordingly, I conclude that the proposal would have a detrimental effect on flood risk. It would therefore fail to accord with Policies CS.4 and CS.15 of the Stratford-on-Avon District Core Strategy (CS) and Policy H1 of the Stratford-upon-Avon Neighbourhood Development Plan (NDP). Taken together, these seek amongst other things, to promote the redevelopment of suitable land having particular regard to flood risk.

Character and appearance

9. The appeal site forms part of a large car park that is located to the rear of a public house. It is also located to the rear of an established and strong line of buildings which front onto the main road. The surrounding houses are generally faced in red brick or render with pitched roofs and have a broadly consistent, two storey domestic scale. The existing buildings therefore combine to create a traditional and pleasing street scene.
10. Part of the appeal site is occupied by a large outbuilding, which based on the evidence before me, is used in association with the public house. Although it has a relatively large footprint, it is a single storey building and consequently, it is an unassuming structure that has little effect on the surrounding area.
11. To the rear of the site there is an old railway line which is now in use as a public footpath located at an elevated level. This is located within the Stratford-upon-Avon Conservation Area (CA), the boundary of which also includes the most westerly section of the appeal site. The footpath provides a pedestrian access to the public house car park and also enables clear views into the primarily open site from an elevated position. The footpath is lined by

- mature and dense vegetation and due to the width of the vehicular access to the car park, as well as the overall size of the car park, this landscaping can be readily appreciated from the public realm. This adds a verdant quality to the traditional and pleasing character and appearance of the surrounding area.
12. The proposal would see the removal of the existing outbuilding and its replacement with two detached houses. The buildings would be three storeys in height with accommodation within a barrelled roof form. They would be clad in stained weatherboarding and would have a standing seam aluminium roof. Due to the height, form and appearance of the proposed dwellings, they would be distinctly at odds with the prevailing architecture in the surrounding area. Accordingly, when viewed from the public realm as well as from the elevated footpath, the buildings would represent a significant contrast to the traditional surroundings which positively contribute to the area.
 13. My attention has been drawn to other development to the rear of the principal row of houses which front on to the main road. However, where these are present, they take a somewhat semi-traditional approach in their form and appearance, utilising facing brick and pitched roofs. Accordingly, the buildings successfully complement the surrounding architecture and do not starkly contrast with the prevailing character.
 14. The appellant also suggests that the levels within the appeal site fall significantly from the main road. However, the section drawing confirms that this reduction in land levels is marginal, a matter that was confirmed upon visiting the site. Due to the limited drop in levels, the height of the proposed dwellings would not be substantially altered when viewed from the public realm or the adjacent footpath. Accordingly, they would be demonstrably taller than the majority of the neighbouring buildings. This would be to the detriment of the pleasant environment created by the surrounding development, as well as to the setting of the CA.
 15. Paragraph 194 of the Framework confirms that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification. The level of harm to the setting of the CA would be at the lower end of the less than substantial spectrum. However, paragraph 196 of the Framework still requires this to be weighed against the public benefits of the proposal. In terms of public benefit, the appellant points to the flood risk betterment that has been identified above. However, in light of my findings, this matter does not weigh in favour of the proposal because it fails to suitably follow the requirements of the Framework.
 16. When considering the impact of a proposed development on the significance of a designated heritage asset, The Framework confirms that great weight should be given to the asset's conservation. In light of this requirement, I am satisfied that the public benefits of the proposal, to which I attach very little weight, would not outweigh the harm to the CA.
 17. For the reasons identified above, I find that the scale, height, form and appearance of the proposed dwellings would be in stark contrast with the prevailing character, a matter that would be harmful to the surroundings. Accordingly, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to accord with

Policies CS.9 and CS.8 of the CS and Policies BE1 and BE8 of the NDP. Taken together, these promote good design that protects the district's historic environment.

Conclusion

18. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR