



Appeal Decision

Site visit made on 1 September 2020 by Andreea Spataru BA (Hons) MA

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/J3720/W/20/3254591

Jubilee Bungalow, Bordon Hill, Stratford-Upon-Avon CV37 9RX

- 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 Jeff Downes against the decision of Stratford-On-Avon District Council.
 - The application Ref 19/02246/FUL, dated 9 August 2019, was refused by notice dated 10 March 2020.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at Jubilee Bungalow, Bordon Hill, Stratford-Upon-Avon CV37 9RX in accordance with the terms of application Ref 19/02246/FUL, dated 9 August 2019, and subject to the conditions outlined in the schedule at the end of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. A 'Long East Elevation Existing and Proposed' drawing no 2012 P-00 was submitted with the appeal documentation. The Council has had an opportunity to comment on any implications arising from the submission of the additional drawing in its statement of case. As it confirms the position of the proposed dwelling in relation to existing ground levels, I do not consider that the interests of any other party would be prejudiced by not having had an opportunity to comment on the plan. I have therefore taken it into account in so far as it is relevant to my assessment of the appeal scheme.

Main Issue

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

Reasons for the Recommendation

5. The appeal site relates to a bungalow located within a spacious plot, on the northern side of Evesham Road. It is part of an established form of linear development that fronts the road, outside the main built up area of Stratford-upon-Avon. Neighbouring properties consist of a mix of bungalows and two-
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- storey dwellings, which vary in terms of scale and design. The width of the plots also varies significantly; the appeal site is much wider compared with the plots of the adjoining properties.
6. Policies CS.5 and CS.9 of the Stratford-on-Avon District Core Strategy (2011 to 2031) (CS) and Policies BE2 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031 (NDP) require, amongst other things, that developments protect landscape character and reflect the distinctiveness of the locality, and that their scale is appropriate to their immediate surroundings.
 7. CS Policy CS.15 deals with the distribution of development to different settlements within the settlement hierarchy. The appeal site is outside the built up area boundary for Stratford-upon-Avon and not within a settlement for the purposes of planning policy. Although it has been referred to in the refusal notice, Policy CS.15 is therefore not directly relevant to my assessment of the appeal proposal.
 8. CS Policy CS.20 states that any replacement dwelling should be well sited in relation to the existing site and buildings, not visually intrusive, and not significantly larger than the dwelling it replaces. Notwithstanding these requirements, the plan has to be read as a whole and CS Policy AS.10 and NDP Policy BE9 require that replacement dwellings should be of an appropriate scale and design and respect the character and appearance of the area.
 9. The proposed two-storey dwelling would replace the existing bungalow and the garage and two sheds located to the rear of the appeal site. It would be set back from the road, set in from the side boundaries, and would follow the building line of the neighbouring property located to the east. Although it would have a larger footprint and volume than the existing bungalow, it would be located in approximately the same position on the site as the existing property.
 10. The proposed dwelling would have a hipped roof with gable elements to the front and rear; the gable elements would be set down from the main ridge. The mix of hipped roof and subservient gable elements would reduce to some degree the massing of the dwelling, particularly at the first-floor level. Furthermore, the size of the appeal site, particularly its width, would allow the proposed dwelling to sit comfortably within the plot, without appearing cramped or overly prominent within the landscape. Therefore, whilst the overall scale of the proposed dwelling would exceed that of the existing bungalow, its scale would be appropriate for the size of the plot.
 11. Some of the features of the replacement dwelling, such as the projecting gables, hipped roof, and chimney would reflect the design of other properties on the road, which would help assimilate the new dwelling into its surroundings. In addition, the dwelling would be within the existing linear development on the road and would be seen in the context of the adjoining dwellings, some of which are also detached properties. Accordingly, the scale and design of the proposed dwelling would respect the character and appearance of development in the surrounding area.
 12. Some changes to ground levels will be required to ensure that the dwelling will be located at lower levels within the plot. However, there is sufficient space within the plot to accommodate the necessary groundworks. A planning condition can be used to ensure that the details of any groundworks are

appropriate to the site and its location, and this has been included in the list of conditions proposed by the Council.

13. Given the siting of the proposal as part of the existing linear development, and the spaciousness of the plot, the replacement dwelling would not adversely affect the open and rural character of the area and would not lead to an urbanising effect. The hipped design of the roof and the fact that the appeal site is located at a lower level than the neighbouring bungalow to the west, would ensure that, even when viewed from the main road as one goes down the hill towards the town centre, the proposal would not appear overly dominant.
14. In light of the above, I conclude that the proposed dwelling would be appropriate in terms of its scale and appearance and would not adversely affect the character and appearance of the area. Consequently, the development would not conflict with the aims of CS Policies CS.5, CS.9 and AS.10, and NDP Policies BE2, BE6 and BE9. Whilst there would be a degree of conflict with CS Policy CS.20, the development plan must be read as a whole and in my view the proposal accords with CS Policy AS.10 and NDP BE.9 in so far as the replacement dwelling would be appropriate in terms of its scale and design.

Conditions and Recommendation

15. I have had regard to the Council's suggested conditions, in the event of the appeal being allowed, and I have considered them against the six tests, as outlined within the National Planning Policy Framework (the Framework) and the advice in the Planning Practice Guidance (PPG). In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
16. In order to ensure that protected species are not harmed, the development needs to be carried out in accordance with the recommendations outlined in section 4 of the bat and great crested newt report by FPCR dated September 2019.
17. In the interest of environmental sustainability, cabling of at least 7kw supply to facilitate electric vehicle charging points is required.
18. In order to protect the character and appearance of the area, further details of hard and soft landscaping, groundworks and boundary treatments are required.
19. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of the PPG. The Council's materials condition requires the provision of samples and trade descriptions prior to the commencement of development on site. I consider that the pre-commencement element is not necessary in this instance, as details could be provided prior to the construction of any relevant part of the dwelling above finished floor level. Whilst the requirements of the Council's conditions regarding a downpipe and the provision of bins prior to occupation would be beneficial to the development, they are not necessary to make the proposal acceptable in planning terms.
20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Sarah Housden

INSPECTOR

Schedule of Conditions

- 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: location plan 19126-2000 P-01; proposed site plan 19126-2001 P-02; proposed ground & first floor plans 19126-2002 P-01; proposed loft and roof plan 19126-2003 P-01; proposed elevations 19126-2004 P-01; Evesham Road Street Elevation – Existing and Proposed 19126-2011 P-00; unless otherwise varied by the following conditions.
- 3) Prior to the construction of any part of the dwelling above finished floor level, samples and trade descriptions of the external facing and roofing 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 details, unless the local planning authority gives written approval to any variation.
- 4) The development hereby permitted shall be carried out in accordance with the recommendations contained in Section 4 of the bat and great crested newt report by FPCR dated September 2019.
- 5) Prior to the occupation of the development hereby permitted, the dwelling shall provide cabling of at least a 7kW supply to facilitate electric vehicle charging points.
- 6) Prior to construction of any part of the development hereby permitted above finished floor level, a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the local planning authority. This landscaping scheme shall include:
 - (a) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - (b) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - (c) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted;
 - (d) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
 - (e) the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
 - (f) location, type and materials to be used for hard surfacing where applicable for permeable paving and use within tree Root Protection Areas, including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate;

(g) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;

(h) car parking layout and any other vehicular and pedestrian access and circulation areas;

(i) a timetable for the implementation of the soft and hard landscaping scheme.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the local planning authority.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

END OF SCHEDULE