



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: 30 October 2020

Appeal Ref: APP/J3720/W/20/3249574

Norton Manor, Norton Grange, Little Kineton CV35 0DP

- 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 Clifton Gilbert against the decision of Stratford on Avon District Council.
 - The application Ref 19/02352/FUL, dated 21 August 2019, was refused by notice dated 16 October 2019.
 - The development is proposed erection of 2no. dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2no. dwellings at Norton Manor, Norton Grange, Little Kineton CV35 0DP, in accordance with application Ref: 19/02352/FUL, dated 21 August 2019, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - i) whether the appeal site is suitable for residential development, having regard to the locational requirements of the development plan;
 - ii) the effect of the proposal on the character and appearance of the surrounding area; and
 - iii) the effect of the proposal on the living conditions of the occupants of Norton Manor, having particular regard to privacy.

Reasons

Location

3. Policy CS.15 of the Stratford-on-Avon District Core Strategy (CS) establishes how development is to be distributed within the district. Within the policy, Kineton is identified as a main rural centre and is therefore suitable as a location for housing. The policy goes on to state that development will take place through the re-use of suitable land and property within the Built-Up Area Boundaries.
4. The appeal site is a parcel of land located to the front of Norton Manor which is accessed via a meandering access road that runs through an established large cluster of houses. The site itself is located beyond the established built form of

this cluster and part of the site is also located beyond the settlement boundary of Kineton.

5. Despite this, based on the evidence before me, the proposed houses would be within the settlement boundary, with the proposed gardens being located beyond it. Accordingly, the Council have concerns in relation to the location of future rear extensions which could be approved through permitted development rights.
6. The concerns of the Council are noted. Nevertheless, it is apparent that the proposed dwellings would be located within the confines of the Built-Up Area Boundary. As a consequence, there would be no conflict with the locational requirements of the CS. In addition, in accordance with the National Planning Policy Framework, permitted development rights can be restricted where there is clear justification to do so. Due to the location of the settlement boundary, I am satisfied that there is clear justification to remove these rights in this instance.
7. Accordingly, having regard to the locational requirements of the development plan, I conclude that the appeal site would be suitable for residential development. It would therefore comply with Policies CS.15 and AS.10 of the CS and Policy H1 of the Kineton Neighbourhood Development Plan (NDP), which together, establish the locational requirements for residential development.

Character and appearance

8. The appeal site is located towards the northern end of Norton Grange. This is a small, somewhat contained development that clusters around a central access road. Within the development, plot sizes and house types differ and as a consequence, the surroundings exhibit a somewhat organic grain and form. To the west of the built form, the existing houses have a staggered relationship with the open countryside beyond. As a consequence, whilst the line of rear gardens is consistent, the siting of buildings does not provide a strong edge to the large cluster of houses.
9. The proposal would introduce two detached dwellings within the land associated with Norton Manor. They would be located beyond the immediately adjacent neighbouring houses. However, they would not be remote from the surrounding development and would have a comparable relationship with the open countryside as the existing houses located further south within Norton Grange. The proposed dwellings would have a substantial gap between them and would provide parking, turning and private amenity space. Accordingly, the proposed layout would be respectful to the open and organic surroundings and it would be commensurate in form to that found elsewhere in Norton Grange.
10. Due to the space between the new dwellings, as well as the existing space around Norton Manor, the proposal would not have a cramped appearance. Instead, it would represent a well-considered development that would respond well to the constraints of the site. Accordingly, it would complement the settlement pattern of the surrounding built form.
11. The appeal site is also located within the setting of the Little Kineton Conservation Area and I note that the Council raised no objection in relation to

the effect of the proposal on this designated heritage asset. Based on the evidence before me, I have no reason to disagree.

12. For the reasons identified above, the proposal would not harm the character and appearance of the surrounding area. Accordingly, it would comply with Policies CS.5 and CS.9 of the CS and Policies H4 and D1 of the NDP. Taken together, these seek amongst other things, high quality design that is sensitive to its surrounding character.

Living conditions

13. The proposed dwellings would face towards the front elevation of Norton Manor and therefore windows at first floor level would have the potential to cause a loss of privacy. However, in relation to both plots, the facing windows at first floor level could realistically be glazed with obscure glass and I note that the appellant would raise no concerns with such approach. This matter could be adequately controlled by way of a suitably worded planning condition and subject to this, I conclude that the proposal would not harm the living conditions of the occupants of Norton Manor. It would therefore comply with Policy CS.9 of the CS which requires high quality design that is sensitive to neighbouring uses.

Other Matters

14. Plot 1 would be located close to the shared boundary with Appletree House. Despite this, a generous separation distance would remain between the proposed and existing dwellings, and consequently, I am satisfied that the proposal would not represent an overbearing form of development. In addition, there would be no facing windows located in the forward projecting gable end of the proposal, thereby protecting existing privacy levels. However, a secondary bedroom window would be located in the facing side elevation at first floor level which would enable elevated views of the adjacent garden. Consequently, it is necessary to ensure that this window would be glazed with obscure glass to protect the living conditions for the occupants of Appletree House.
15. The proposal would be accessed via an existing narrow driveway. However, the vehicular movements associated with two additional dwellings would not result in a significant increase in use. Accordingly, I am satisfied that any disturbance associated with the traffic movements would be limited to an acceptable level. I also note the comments in relation to the effect on highway safety, however, I have no evidence before me in relation to specific concerns. No objection was raised by the Highway Authority and based on the evidence before me, I have no reason to disagree with this conclusion.
16. The nature of the access will also add a layer of complexity to the construction process. Despite this, the site itself is large and therefore it should be able to contain much of the construction traffic associated with the proposal. Accordingly, I am not compelled to attach a condition to control the construction process. In addition, matters in relation to sewage will be adequately controlled by the building regulations. Therefore, there is no need to control this matter through the use of a planning condition.

Conditions

17. In light of my findings set out above, conditions are necessary in the interests of precision and clarity to establish the time limit for the commencement of development, as well as to set out the approved drawing numbers.
18. Due to the relationship with the settlement boundary, condition 3 is necessary to restrict future extensions and outbuildings without planning permission. In addition, condition 4 is necessary to safeguard the privacy of the occupants of neighbouring properties. Conditions 5 and 6 are necessary to ensure that the proposal would complement the context within which it would sit and conditions 7, 8 and 9 are necessary in the interests of sustainable construction.
19. Where conditions require work before development commences, the appellant has agreed to these requirements.

Conclusion

20. For the reasons identified above, the appeal should be allowed, and planning permission be 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: Location plan; NM01; NM02; and NM03.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected other than those expressly authorised by this permission.
- 4) The buildings hereby permitted shall not be occupied until the first floor windows in the North East elevations of Plots 1 and 2, and the first floor window in the South East elevation of Plot 1, have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 5) Notwithstanding the details indicated on the submitted drawings, prior to the development hereby permitted proceeding above ground floor slab level, a schedule of materials and finishes (including trade descriptions/brochure details where appropriate) to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied or used and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

- 6) Notwithstanding the details indicated on the submitted drawings, prior to the use/occupation of any part of the development hereby permitted, 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) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
 - c) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - 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/paths/roads including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
- 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) a timetable for the implementation of the soft and hard landscaping scheme.

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.

- 7) No dwelling(s) hereby permitted shall be occupied until at least 1 electric vehicle charging points (EVCPs) rated at a minimum of 16 amps has been provided at its associated parking space.
- 8) The dwelling hereby permitted shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided [for each of the approved dwellings], in accordance with the Council's bin specifications.

Any siting of domestic refuse bins shall be at the rear of the building or within any suitably screened area for bin storage. Details of any proposed bin store to be erected or constructed shall be submitted to and approved in writing by the Local Planning Authority prior to erection or construction.

- 9) No dwelling that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.