



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: 2 November 2020

Appeal Ref: APP/J3720/W/20/3251186

Beaconwood, 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 B Lewis against the decision of Stratford on Avon District Council.
 - The application Ref 19/02947/FUL, dated 18 October 2019, was refused by notice dated 28 February 2020.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. After the submission of the appeal, the appellant submitted a Tree Survey, Arboricultural Impact Assessment and Method Statement 'Considerations' report. As a result of the additional survey work, a revised site plan was also submitted. However, due to the nature of the proposal and the depth of analysis that has accompanied the appeal, the revised site plan and accompanying tree information was not accepted. As a consequence, this evidence has not formed part of my assessment of the appeal.

Main Issues

3. The main issues are:
 - i) whether the proposal would achieve the design standards required by local policy; and
 - ii) the effect of the proposal on trees.

Reasons

Design

4. The appeal site is not located within a defined built up area and therefore, for the purposes of the development plan, the appeal site is located in the countryside. Due to its location outside of a settlement boundary, the site is materially different to the Moreton Paddox site that my attention has been drawn to. Accordingly, I do not draw any comparisons with this decision, and it has had no bearing on my findings set out below.

5. Policy AS.10 of the Stratford-on-Avon District Core Strategy (CS) relates to the Countryside and Villages. This policy identifies a number of development types that are acceptable within the countryside, and this includes a new single dwelling in open countryside which is of exceptional quality and design and makes a positive contribution to the character of the local area. In the evidence before me, there is dispute in relation to whether the site is located within the open countryside and as a consequence, how Policy AS.10 should be applied.
6. On this point, the appeal site is located to the rear of an existing dwelling, which itself is part of a row of houses which front onto the highway. In addition, a used car garage is also located adjacent to the site. Accordingly, the site is located amongst a cluster of existing buildings and as a consequence, I am satisfied that it is not isolated and nor is it truly located within the open countryside. However, regardless of this assessment, Policy H1 of the Stratford-on-Avon Neighbourhood Development Plan (NDP) confirms that all new housing within the Countryside will be strictly controlled and also makes exceptional design a fundamental requirement.
7. In refusing planning permission, the Council have also referred to paragraph 79 of the National Planning Policy Framework (the Framework) which relates to the development of isolated homes in the countryside. Although I have already found that the site is not isolated, Paragraph 79 of the Framework does seek to qualify what constitutes exceptional quality, stating that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas. In addition, it would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
8. As identified above, the appeal site would not be within the open countryside. However, in light of the requirements of both the CS and the NDP, it is abundantly clear that the location would require a new dwelling to be of exceptional design. Accordingly, in the absence of any definition within the CS or NDP, I am satisfied that the wording in the Framework represents an objective means against which to assess the proposal.
9. The appeal site is a parcel of land located beyond the established frontage development with a very apparent fall in land levels. The proposed dwelling would be a detached building that would be partially subterranean due to the sloping topography of the site, an approach that the appellant refers to as 'non-invasive' and 'organic'.
10. The design was scrutinised by 'design: west midlands' and the evidence demonstrates that an iterative approach was taken whereby the design evolved in response to the observations made by the design panel. Paragraph 129 of the Framework promotes such design review and states that 'in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels'.
11. In their initial critique, the panel referred to the proposal as a largely coherent design but suggested points for further discussion and consideration. At a subsequent desk top review, the panel commented that the proposal had been developed further in a considered manner. Specifically, the response stated that 'the proposed building and landscape work well in its own right, enhance the appearance of the immediate locality and will help raise the standards of

design more generally in the area. This is to be welcomed.’ These comments perform well against the definition established by the Framework. However, the review did not categorically state that the proposal represented exceptional quality and design, and it is in a third summary note that the panel confirmed that in their opinion, the revised proposals could be taken to comply with the requirements of Policy AS.10j.

12. This endorsement weighs in favour of the proposal, however, a decision maker is not obliged to arrive at the same conclusion of the design panel. Accordingly, although the Council acknowledged that the proposal would be a good quality, contemporary and distinctive scheme, they also identified a series of perceived shortcomings. To summarise, it was suggested that the sustainability credentials of the development were not ground-breaking or innovative and that the semi-submerged nature of the proposal would not render it as exceptional. In addition, the palette of materials was questioned as well as the effect on the backland location of the appeal site in terms of character and appearance.
13. Due to the topography of the site, the semi-submerged nature of the proposal would be a logical response to the constraints. However, this does not point to a design approach that would be innovative. The subterranean proposal also leads the development towards an overtly contemporary design solution which the development executes successfully. However, the term ‘exceptional’ implies something that is of an unusually high quality, and as confirmed by the Framework, something that is truly outstanding or innovative.
14. To my mind therefore, exceptional design is a very hard test to meet. There can be no doubt that the response from the design panel is supportive of the scheme. However, their comments do not represent a glowing endorsement of a design that is exceptional, and at no point does the evidence presented on this matter categorically state this. Instead, the evidence points to a well-considered proposal that responds in a successful and logical manner to the constraints of the site. Accordingly, although I am satisfied that the proposal would represent a discreetly located and high-quality new dwelling that would not harm the character and appearance of the area, I have no compelling evidence before me to confirm that it would be innovative, truly outstanding, or that it would reflect the highest standards in architecture. As a consequence, given the tests identified above, and the reservations within the evidence before me, I am not satisfied that the proposal would achieve the standards required to be classed as exceptional quality and design.
15. Consequently, for the reasons identified above, I conclude that the proposal would fail to meet the design standards required by local policy. It would therefore fail to comply with Policies CS.5, CS.9, CS.15, CS.16 and AS.10 of the CS, and Policies H1, BE1 and BE2 of the NDP. Taken together, these establish how development shall be distributed throughout the district as well as requiring new dwellings in the open countryside to be of exceptional quality and design, and sensitive to their surrounding landscape.

Trees

16. The original planning application was accompanied by an Arboricultural Report which included a Tree Survey as well as a Tree Protection Plan. The proposal would be located close to existing perimeter trees and due to the nature of the

proposal, it would give rise to substantial ground works and excavation, much of which would be close to the existing trees.

17. The trees on the site are substantial and mature and as a consequence, they contribute positively to the character and appearance of the site and surrounding area. Although tree protection information has been provided, the nature of the proposal is such that the trees would need site specific protection, likely beyond that typically found on a development site. The information provided does not do this and accordingly, I find that the evidence before me would not afford suitable protection to the trees.
18. I therefore conclude that the proposal would have a harmful effect on the trees on the site. Consequently, it would fail to accord with Policy CS.5 of the CS and Policy NE3 of the NDP, which taken together, seek to protect trees.

Other Matters

19. The proposal would make a small contribution to the local housing stock, and as suggested by the appellant, this would take advantage of a site that is available and in a broadly sustainable location. However, due to the limited scale of the proposal, I only attach very limited weight to these matters. Accordingly, they do not outweigh the fundamental concerns that I have identified above, and to which I attribute significant weight.

Conclusion

20. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR