



Appeal Decision

Site visit made on 28 July 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/J3720/W/20/3251838

Brooklands Farm, Warwick Road, Southam, CV47 0HW

- 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 Mrs Wincott against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/01578/FUL, dated 7 June 2019, was refused by notice dated 4 November 2019.
 - The development proposed is creation of two new barns and conversion of an existing barn.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of existing occupiers of 3 Newstead Drive¹, with particular regard to light and outlook; and
 - the living conditions of potential future occupants, with particular regard to bin carry distances.

Reasons

Living conditions – existing occupants

3. The appeal site comprises of modern agricultural buildings and brick-built barn accessed via a long private drive. The rear of the site is largely devoid of existing structures and laid to grass, though there is an area of hardstanding.
4. The appeal scheme proposes the demolition of the existing structures, except for an existing brick-built barn, which is proposed to be extended and converted. Two new dwellings are proposed, and their design would be reflective of the existing brick barn, and they would be arranged around a central courtyard.
5. One of the proposed dwellings would be in very close proximity to the garden boundary of No 3 Newstead Drive. Although there is currently a brick wall to

¹ The application decision notice makes reference to 3 Newstead Close though both parties have referred to 3 Newstead Drive and I saw on my site visit that this is correct.

- this boundary, there are no other structures directly adjacent to the rear of No 3, and this property currently has a spacious and open outlook.
6. The proposed first-floor accommodation would be provided within the roof space, though there would still be a substantial flank wall in close proximity to the boundary, which when viewed from No 3, would be a very dominant feature. In addition, the scheme includes the erection of single storey elements, also in close proximity to the boundary, that would have substantial roofs extending significantly above the existing boundary treatment. The proposal would therefore result in built development in close proximity to and extending along the whole rear boundary of No 3, at a location where no built development currently exists.
 7. Although there would be some separation between No 3 and the highest part of the proposed dwelling, due to its overall height, depth and proximity to the site boundary it would still be an imposing feature when viewed from No 3, in particular their garden area. The proposed dwelling would also angle towards the existing dwelling, further exacerbating its dominant appearance.
 8. Considering the above, and extent of development along the boundary there would be little visual relief from the built form when viewed from No 3. There would be a general feeling of being hemmed in, which would have a harmful effect on the living conditions of existing occupants.
 9. Due to the orientation of the site in relation to No 3, the proposal would impact on the sunlight and daylight reaching the rear of that property, primarily in the afternoon and late evening. Although the layout may still permit some sunlight to reach the conservatory, the development would be significantly higher than the existing boundary treatment. Whilst the roof to the single storey elements would slope away from the boundary, they would still have a substantial bulk.
 10. The main section of the proposed dwelling, due to its height, depth and proximity to the boundary would have a significantly greater impact on sunlight and daylight. Whilst this impact may be predominately to the rear garden area, when considering the combined impact of the overall development there would be a substantial reduction to daylight reaching No 3 that would unacceptably harm their living conditions and add to my above stated concerns.
 11. The appellant states that any impact would not be substantially greater than that from existing structures on the site, and the removal of those structures would be an improvement on the current situation. There is however little evidence before me to substantiate this, and though it is acknowledged that the impact would vary at certain periods of the year, I saw on my site visit that there is significant separation between the existing modern barn and the boundary with No 3, this would not be the case with the proposed scheme.
 12. Whilst there is some disagreement between the parties as to whether the proposal would achieve minimum separation distances as set out in part F of the Council's, Development Requirements Supplementary Planning Document, 2018 (SPD), the SPD does only set out guiding principles for development and not prescriptive design criteria. Achieving the minimum criteria does not necessarily equate to an acceptable development and each site needs to be considered on its own merits. From what I have seen and read, and as detailed above, I have found the proposal, due to its size, proximity and extent along

the boundary would result in unacceptable harm to the living conditions of No 3.

13. The proposal would therefore be contrary to the overall amenity protection and design aims of Policies CS.9 and CS.15 of the Stratford-on-Avon District Core Strategy, 2011-2031 (CS), and the SPD which, amongst other aims, seek to ensure developments relate well to their surroundings and a good standard of residential amenity is maintained. For the same reasons the proposal would also be contrary to Paragraph 127(f) of the National Planning Policy Framework (the Framework) which requires developments to achieve a high standard of amenity for existing users.
14. Whilst an existing brick barn adjoins the site boundary, as detailed above, there are currently no structures adjacent to the rear boundary of No 3. I do not consider the location of development, directly adjacent to the site boundary, is such an overriding characteristic of development in the surrounding area that it would justify the harm I have identified. That the development would not result in harmful overlooking to adjacent properties does not weigh in favour of the appeal. I note the development seeks to reflect the siting and design of the existing brick barn, though there is little to suggest the scheme as proposed is the only way to achieve this.
15. It is acknowledged that the existing buildings are not subject to any special protections, and though functional in appearance, they have a neutral impact on the character and appearance of the surrounding area. My attention has been drawn to a nearby development at Hartley Gardens and Newstead nursing home, it is stated that this is a more substantial building, in close proximity to existing dwellings that has been extended. However, I do not know the full circumstances of those schemes, and in any event each case must be considered on its own merits. These other matters do not, therefore, lead me to a different conclusion.

Living conditions – future occupants

16. The Council's reason for refusal states that the proposed layout would provide a poor sense of place and a poor standard of accessibility for residents. The Council have provided little detail to substantiate this, though their concern appears to relate only to the distance over which refuse bins would need to be carried from the proposed dwellings to the bin collection point (BCP).
17. The submission shows the BCP to be located at the driveway entrance adjacent to the main road. The appellant has indicated that bin collection currently takes place from adjacent to Tree Barn, though the detail submitted indicates that the proposed access would not accommodate refuse vehicles. Furthermore, it is not the location indicated for the proposed BCP on the submitted plans.
18. The bin carry distance to the BCP indicated would be significantly in excess of that stated within the SPD. Nevertheless, the access is surfaced and relatively flat, and if the other aspects of the proposal were acceptable, I do not consider the extent or nature of the route would be so onerous or off-putting to result in harm that would, in its own right, be sufficient to withhold planning permission. On this basis the proposal would not result in unacceptable harm to living conditions, and this matter could be addressed by condition. For these reasons, I therefore find no conflict with CS Policies CS.9, CS.15 or CS.20 in respect of this main issue.

Planning Balance

19. The site is within Southam which is identified as a main centre. The Council have stated that they are able to demonstrate a 5year housing land supply, and there is an identified over-provision in the main Rural Centres, of which Southam is one. I note the appellant's reference to a High Court judgement and comments that the council have sought to reduce the weight attached to the provision of housing.
20. CS Policies and the Framework do emphasise the need to support the efficient use of land and I recognise the important contribution small sites can make. Whilst the proposal may add to an existing oversupply, there are no identified harms arising from that oversupply, and the provision of additional housing is still a benefit of the appeal scheme. Nevertheless, the provision of 3 dwellings would only have a limited benefit in relation to boosting housing supply.
21. The CS and the Framework are also clear that developments should achieve a high standard of amenity for existing users. As detailed above, this is not the case with the appeal scheme and the harm I have identified means that adverse impacts of granting permission would outweigh the limited benefits, when assessed against the Development Plan or the Framework as a whole.
22. The Covid-19 pandemic has impacted the housebuilding industry and other sectors of the economy. The pandemic is ongoing though construction sites are now operating. At this stage though, as the response to the pandemic continues, the impacts on housing delivery are not fully known. The construction industry will be important to economic recovery, though considering the small scale of the site any employment created during construction, or from future occupants use of local services, would only result in temporary and modest benefits.
23. That the proposed dwellings would be located close to local services, utilise appropriate materials and not adversely impact on highway safety or protected trees would have a neutral effect, and these matters do not, therefore, weigh in favour of the appeal.
24. The submission identifies the presence of protected species on the site and, whilst it is indicated that this could be dealt with by condition, it is not clear that conditions could provide adequate or effective mitigation. As I am dismissing the appeal for other reasons, I have not pursued this with the parties, though the provision of adequate mitigation would only have a neutral effect, and therefore this matter would not weigh in favour of the appeal.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR