



Appeal Decision

Site Visit made on 2 December 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2020

Appeal Ref: APP/J3720/W/20/3259206

Land off Shuckburgh Road, Priors Marston, Southam CV47 7RS

- 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 Tiffen against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01050/FUL, dated 15 April 2020, was refused by notice dated 24 July 2020.
 - The development proposed is erection of detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Priors Marston Conservation Area (the CA), (ii) the effect on trees, and (iii) whether the proposal would provide acceptable living conditions for its occupiers in terms of private outdoor space.

Reasons

Character and appearance

3. The CA partly gains its significance through the presence of several buildings of historic and architectural interest, including St Leonard's Church (the Church) which is near to the appeal site. Trees, hedges and spaces around buildings help create an attractive verdant village scene which is particularly noteworthy in the area to the north of the Church. The trees and lack of buildings on the appeal site add to this character, despite the unkempt nature of the undergrowth and views of boundary fencing to the rear and side.
4. The house would be of a modest size and would cover a small proportion of the site. Nevertheless, it would still lead to a loss of openness that would be highly noticeable when travelling from the north due to its prominent location on a bend in the road. Furthermore, the plot would be markedly smaller than the adjoining properties. Close knit houses lie on the opposite side of the road and elsewhere in the village but the proposal would be more readily seen with the less dense development to the north of the Church. Therefore, the scheme would be at odds with the spacious pattern of development which is a fundamental characteristic of this part of the CA.

5. The proposal is a revision of a previous scheme that was refused planning permission. The dwelling would be set back from the road so its northern flank elevation would not be so dominant and it would be of an appropriate cottage design. Also, new planting would compensate for the loss of apple trees as a result of the development and to a degree screen the house from the road. Even so, these attributes would not fully address or override the conspicuous erosion of space as a result of the proposal and the ensuing reduction in the site's contribution to local character.
6. Reference is made to planning permissions granted for new houses adjacent to Grasmere on Shuckburgh Road, next to Hollybush and at Driftwood on School Lane. However, all of these are markedly different to the appeal proposal in terms of the prominence of their locations, relationship to the adjacent properties and pattern of the immediate development context. As such, these other decisions do not affect my view in respect of this main issue.
7. The submissions indicate that the Church and the neighbouring property, The Orchard, are listed buildings. The development would cause no harm to their settings due to the screening effect of vegetation. However, for the above reasons, the proposal would cause less than substantial harm to the CA's significance. In such circumstances, the National Planning Policy Framework (the Framework) requires the harm to be weighed against the public benefits of the proposal. The development would add to the housing stock and would be a more efficient use of land. However, a single unit would provide only modest public benefits that would not outweigh the detriment to the CA.
8. As such, I conclude the proposal would harm the character and appearance of the area and hence would not preserve or enhance the character and appearance of the CA. In these regards, it would be contrary to policies CS.8, CS.9, CS.12 and CS.15 of the Stratford-on-Avon District Core Strategy 2016 (CS) and the Framework. These all aim, amongst other things, to ensure development respects local character and conserves the historic environment.

Trees

9. The 3 apple trees on the site are of a poor condition and so their removal would be acceptable. The roadside ash tree covered by a tree preservation order is shown to be retained with the proposed dwelling just outside its defined root zone. The construction works would intrude slightly into the root protection area but the appellant's evidence indicates the proposal would not result in any meaningful direct harm to the ash tree.
10. However, the Council has also raised concern that the development would generate pressure from future occupiers to remove trees shown to be retained. I note the Inspector that determined a previous appeal¹ relating to the site made no comment on this particular issue, although I am unaware whether it was raised as a concern at that time.
11. By reason of its height and close proximity, the ash would be dominant in views from the dwelling's front windows. Its overbearing effect would be so significant that it is likely future occupiers of the house would want the tree reduced or removed. The presence of mature trees in other gardens fails to demonstrate that there would be no pressure to carry out works to the ash.

¹ Appeal reference number APP/J3720/W/18/3200243.

The tree is a highly visible feature and so its loss or reduction would be detrimental to the verdant attractiveness of the street scene.

12. The house would be far enough away from other retained trees to avoid similar pressure for their removal. However, for the above reasons, I conclude the development would lead to potential harm to the well-being of the ash tree. In this regard, it would be contrary to CS policies CS.5 and CS.12. These aim, amongst other things, to ensure development protects the contribution trees make to the character and public amenity of an area.
13. The Council's refusal reason also refers to the loss of a hedge bounding the site although I saw no such feature on my visit. As such, this factor has had no bearing on my assessment of this main issue.

Living conditions

14. The proposed rear garden would not be overlooked and would be larger than the minimum figure set out in the Council's Development Requirements Supplementary Planning Document 2018. However, this guide advises that for site specific and design reasons, private gardens may need to be larger than the indicative minimum. In this case, the back garden would be dominated and overshadowed by nearby trees and bushes as well as the proposed house. As such, it would feel enclosed and would be unattractive to users. The outdoor space to the front and sides of the house would be open to view from the road and so would not be private.
15. For these reasons, the development would not provide acceptable living conditions for its occupiers in terms of private outdoor space. As such, and in this regard, it would be contrary to CS policy CS.9 which, amongst other things, seeks to ensure proposals incorporate a good standard of space and amenity for occupiers.

Conclusion

16. The proposal would be contrary to development plan policies and there are no considerations that justify a decision otherwise. As such, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR