



Appeal Decision

Site Visit made on 9 February 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/J3720/D/20/3262982

41 Hays Meadow, Ettington, Stratford-upon-Avon, CV37 7FD

- 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 Dominic Holmes against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02299/FUL, dated 21 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is the erection of a trellis on the rear boundary fence (part retention).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Holmes against Stratford-upon-Avon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The majority of the trellis panels that are the subject of this appeal have already been erected. This appeal therefore seeks retrospective permission for the development, and I have determined this appeal accordingly.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of the occupants of Nos 25, 27, 29 and 31 Hays Meadow, with particular reference to outlook from the rear of these dwellings.

Reasons

Character and Appearance

5. The appeal site contains a garden which slopes down away from the rear of the host dwelling and towards the gardens serving a terrace of four dwellings, Nos 25, 27, 29 and 31 Hays Meadow. Along the side of the appeal site and No 25 is a footpath which also slopes down away from the site. As a result of its height, which is exacerbated by this change in land levels, and its closeness to the footpath, the trellis appears as a prominent and intrusive feature in views along

the footpath sitting uncomfortably with the otherwise consistent height of the surrounding boundary fences. Moreover, given its prominent position, the use of the trellis also jars with the uniform appearance of the surrounding boundaries which are feather-edged, therefore further harming the character and appearance of the public realm when viewed along the footpath.

6. I note the appellant's openness to a condition requiring planting in order to soften the appearance of the additional trellis. However, no substantive evidence has been submitted to demonstrate such planting would be effective. I therefore find that while planting may soften the appearance of the trellis, it is likely to exacerbate its apparent bulk and height when seen from the public footpath. Moreover, although the existing planting on site softens the appearance of the trellis from the appeal site, it does not suitably do so from public views.
7. The appeal site is located at the edge of the village of Ettington where the surrounding open landscape is an important part of the Feldon Park Special Landscape Area (FP). However, given the siting of the trellis between dwellings it is not read within the context of the wider landscape. I therefore find it does not adversely affect the FP and, in this regard, complies with Policies CS.5 and CS.12 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (Core Strategy), which seek to protect the distinctive character and appearance of special landscape areas.
8. Nevertheless, in light of the above, I conclude that the development has harmed the character and appearance of the area surrounding the public footpath, by way of its prominent and incongruous height, siting and design. As such the development conflicts with Policies CS.9 and CS.20 of the Core Strategy and Policy BE1 of the Ettington and Fulready Neighbourhood Development Plan 2011-31 which collectively seek to ensure high quality design which is sensitive to its setting and local character.
9. In reaching this decision I have been mindful of the conclusions of the Inspector dealing with appeal reference APP/J3720/W/15/3138800. However, all proposals must be dealt with on their own merit and I find that the scope of this appeal is significantly different to that before me.

Living Conditions

10. As there is a footpath between the trellis and the gardens of Nos 25, 27 and 29, there is a degree of visual separation both in distance and the boundary fences serving these properties, reducing the apparent height of the development. I therefore find there to be no unacceptable overbearing impact on these gardens which would make them less pleasant places for the occupiers to sit out in or enjoy. Nevertheless, there is no similar separation between the garden of No 31 and the appeal site, meaning the rear portion of the garden serving No 31 would be directly beneath the trellis. As such the trellis would be intrusive on the outlook from, and result in an overbearing impact on the garden making it less pleasant for occupiers to use. I find the trellis to unacceptably harm the quality of the garden at No 31 to the detriment of the living conditions of the occupiers.
11. While it was clear from my visit that the trellis provides a visual screen, I nevertheless consider, from the evidence and what I observed on site, that it is

unlikely that without it there would be a harmful degree of overlooking between the appeal site and its neighbours.

12. I conclude that the trellis, by way of its siting and height, is an overbearing feature in the outlook from the rear garden of No 31 that has harmfully changed the living conditions of the occupiers of that dwelling. The development therefore conflicts with Core Strategy Policies CS.9 and CS.20 which require development to protect the living conditions provided by neighbouring buildings.

Other Matters

13. My attention was drawn to the letters in support of the development received from Orbit Homes and some neighbouring residents, and the appellant's concerns regarding the lack of engagement by the Council during the planning application process. However, the former does not outweigh the harm I have identified above, and the latter is considered separately in the related costs application.

Conclusion

14. For the reasons given above, and assessing against the development plan as a whole, I find that the appeal should be dismissed.

Samuel Watson

INSPECTOR