



Appeal Decision

Site visit made on 18 May 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/J3720/W/21/3269247

Land south of Mill Lane, Welford on Avon, CV37 8EW

- 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 Goldhawk Developments Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02616/FUL, dated 17 September 2020, was refused by notice dated 12 November 2020.
 - The development proposed is construction of two detached dwellings and all associated works.
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Decision

1. The appeal is allowed and planning permission is granted for construction of two detached dwellings and all associated works at Land south of Mill Lane, Welford on Avon, CV37 8EW in accordance with the terms of the application, Ref 20/02616/FUL, dated 17 September 2020, subject to the conditions on the attached Schedule.

Preliminary Matter

2. Since the submission of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Since there is no material change to national policy and guidance in relation to the matters at issue in this appeal, the comments of the main parties on the Framework have not been sought.

Main Issues

3. The erection of 2 bungalows on the appeal site was approved in March 2020. Consequently, there can be no dispute that the erection of the proposed dwellings is acceptable in principle. The main issues in this appeal are the effect of the proposed development on the character and appearance of the surrounding area, including the setting of the Welford-on-Avon Conservation Area (the conservation area).

Reasons

Background

4. The consent for the erection of 2 bungalows remains extant and constitutes a credible fallback position which is a material consideration in this appeal. Nonetheless, the appeal proposal has been considered on its own individual merits. In my judgement, as it is a new application, the Framework's Paragraph 135 guidance about preventing any diminishing of the quality of approved development between approval and completion does not apply.

5. The differences between the 2 proposals include additional bedrooms, an altered design and larger footprints and areas of hardstanding to the front. The ridge height of the buildings would also be increased from 5.6m to 7.15m (Council's figures) involving lowering the ground to achieve an overall increase in height of around 1m.

Assessment

6. The appeal site is a broadly rectangular area of undeveloped land on the south side of Mill Lane containing a small orchard. It is located towards the edge of the scattered settlement of Welford in a predominately residential area of mixed character and materials. The heritage and other evidence, including the conservation area appraisal and the local green space list contained within the Welford-on-Avon Neighbourhood Development Plan (NDP), does not identify the appeal site in itself as having any demonstrable historic significance and value. Nonetheless, it is located adjacent to the conservation area boundary, with the conservation area itself covering the built area of Welford.
7. Based upon the evidence and my observations, I conclude that the value of the appeal site is as an open area contributing to the spacious green setting of the village along Mill Lane. The site is not designated as a protected open space.
8. The appeal proposal should be considered in the context of the approved development which allows buildings of a similar size and scale in a similar location. The proposed dwellings would have a similar bulk to other dwellings in this part of the village. The lowering of ground levels would reduce the visual impact of their massing and they would not appear out of keeping in a locality where dwellings stand at differing levels due to the sloping ground. The increase in scale over that of the approved development would largely be adjacent to the bowling club which is outside the conservation area. The additional massing would not be visible from Mill Lane, which I consider to be the most important viewpoint. Other views of the development would not be materially different. The additional hardstanding proposed would be close to the dwellings and would not be particularly noticeable in their context. The extent of glazing on the less publicly visible rear elevations would not draw undue attention.
9. The soft landscaping proposed around the edge of the appeal site would be retained and enhanced by additional landscaping. The proposal would not therefore harm the character or appearance of the village or important vistas, and in particular Views A and C, which should be preserved under NDP Policy HE1. In this way the proposal would also conserve the setting of the conservation area.
10. The appellant's Landscape and Visual Appraisal (LVA), submitted in response to the Council's refusal reasons, also provides evidence that the proposed development would not compromise any of the characteristics of the Avon Valley's Terraced Farmlands Landscape Character Area.
11. I conclude that the scale, mass, design and appearance of the dwellings, including the engineered levels and the extent of hardstanding would not harm the setting or significance of the conservation area. There would be no conflict with Policies CS.5, CS.9, CS.15 and AS.10 of Stratford-upon-Avon District Core Strategy (2011-2031) which, in summary and of relevance to this appeal, require new development to be of high quality and well related to and

integrated with its surroundings. For the foregoing reasons I also conclude that the proposed development would comply with CS Policy CS.8, NDP Policy HE4 and the Framework in respect of the protection of the historic environment. The requirements of NDP Policies HE1 and HE7 relating to the protection of important views and landscape, HLU2 with regard to design excellence and Policy HLU6 in respect of the sensitive transition required from village to countryside would also be satisfied.

12. In carrying out my statutory duty and having regard to all of the evidence, including the appellant's Heritage Impact Assessment, I conclude that the change to the setting of the conservation area, a heritage asset, would not harm its significance. I further conclude that there would be no impact on the nearby Grade II listed Watermill Cottage or its setting due to their separation distance. The significance of the listed building would be preserved. It is not therefore necessary to consider whether any public benefits would arise from the proposed development.

Other Matters

13. The Council raises no objection to the highway and pedestrian safety aspects of the proposal and there were no objections from the Highway Authority, its technical advisor. I agree that the proposal is acceptable in this regard.
14. Whilst it is acknowledged that NDP Policy HLU4 identifies desired housing types for Welford-on-Avon, including bungalows, it not prescriptive and does not preclude the development of one and a half and two-storey dwellings as the Council suggests.
15. The Parish Council refers to conflict with NDP Policy HE5. However, as this policy relates to the open countryside and the appeal site is within the built-up area of Welford on Avon, it has no direct bearing on this appeal. The Parish Council also refers to an appeal decision (APP/J3720/A/00/1049723) which it states identifies the importance of the appeal site to the village as open green space. However, the Council indicates that that previous appeal site abuts the current appeal site and is not within its red line boundary. The earlier appeal also significantly pre-dates the planning permission for the 2 bungalows. Under these circumstances I am unable to determine its relevance to the current appeal proposal. In any event, I have addressed open space issues above. I am further informed that development at nearby Greenbank Cottage was dismissed on appeal under reference APP/7320/W/16/3153893. There is no evidence to indicate its relevance to the appeal proposal which has been determined on its own specific circumstances, based upon the current development plan and national guidance.

Conclusion

16. For the reasons set out above there would be no conflict with the development plan as a whole, or with national guidance. Accordingly, the appeal is allowed subject to the conditions that follow.

Conditions

17. The approved drawings are identified in a condition for the avoidance of doubt and in the interests of proper planning. Details of external materials are required to ensure that the approved dwellings are in keeping with their surroundings. Tree protection measures and a landscaping scheme are required

by condition to safeguard and enhance the character and amenity of the area and to ensure the well-being of trees and to maintain and enhance ecological, environmental and biodiversity benefits.

18. An archaeological protection condition is necessary to ensure that an appropriate investigation of potential archaeological deposits is secured. The Council's suggested wording has been amended, and agreed by the appellant, to include reference to the Written Scheme of Investigation submitted with the appeal application, rather than the Written Scheme of Investigation relating to the extant planning permission.
19. Septic tanks are required in accordance with the submitted details in order to safeguard against pollution and flooding. Refuse storage is necessary for domestic waste management without causing harm to the character and appearance of the locality. Water butts are required by condition in order to encourage the re-use of water resources. A further condition requiring the provision of electric vehicle charging points is necessary to charge low emission vehicles as part of the transition to a low carbon economy.
20. The changing levels across the site require a condition relating to the existing levels and finished floor levels of the approved dwellings, in order to safeguard the character and amenity of the area.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 38-01 Rev A, Drawing 38-05, Drawing 38-06 Rev A, Drawing 38-07 and Drawing GHK_004_001.
- 3) Prior to the buildings hereby permitted proceeding above ground floor slab level samples and trade descriptions of the external facing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved materials.
- 4) The existing trees shown to be retained on the approved drawing no. GHK_004_001 shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development hereby permitted and thereafter within 5 years from the date of occupation or use of the buildings for their intended purposes without the prior written approval of the Local Planning Authority.

Any trees removed without such prior written approval or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before

the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees.

- 5) Prior to the 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 landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
 - (e) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedges), where appropriate;
 - (f) a timetable for the implementation of the soft and hard landscaping scheme.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

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.

- 6) No development shall take place until:
- a) A programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the submitted document called 'Archaeological Assessment and Written Scheme of Investigation for Evaluation' report, dated July 2020 by Archaeology Warwickshire has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
 - b) An Archaeological Mitigation Strategy document (including, if necessary, a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the

Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

- 7) Two septic tanks shall be used for the operational use of the 2 dwellings hereby approved, as detailed on approved plan ref. 38-07.
- 8) The dwellings 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.
- 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.
- 10) No dwelling hereby permitted shall be occupied until electric vehicle charging points have been provided for each dwelling, with an EVCP rated at a minimum of 32 Amps.
- 11) No development shall take place until details of the existing levels and proposed finished floor levels of each dwelling hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall also incorporate sections across the site showing existing and proposed ground levels. The development shall be carried out in accordance with the approved details.