



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: 29 November 2021

Appeal Ref: APP/J3720/W/21/3268766

Fairview, Mill Lane, Kineton, Warwick, CV35 0LA

- 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 Peter Canning against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02413/FUL, dated 19 August 2020, was refused by notice dated 9 November 2020.
 - The development proposed is removal of precast concrete double garage, erection of new 2 bed bungalow, conversion of existing garages and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for removal of precast double garage, erection of new 2 bed bungalow, conversion of and improvements to existing garages and associated external works at Fairview, Mill Lane, Warwick CV35 0LA in accordance with the terms of the application, Ref 20/02413/FUL, dated 19 August 2020, subject to the conditions on the attached Schedule.

Main Issue

2. No objection in principle is raised to the proposed development which would provide a dwelling within the settlement boundary of Kineton, a Main Rural Centre. I agree. Furthermore, the proposed development would provide a bungalow which is identified as a popular housing type within the supporting text to Policy CS.19 of the Stratford-on-Avon District Core Strategy (2011-2031) (CS). The main issue in this appeal, therefore, is its effect on the character and appearance of the surrounding area.

Reasons

3. It is proposed to erect a dwelling in the rear garden of Fairview. It is not in dispute that the development would be an efficient use of the land in line with paragraph 119 of the National Planning Policy Framework (the Framework) which indicates that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It would also accord with the comparable objectives of Policy D9 of the Kineton Neighbourhood Development Plan to 2031 (NDP).
4. Nonetheless, the Framework also requires that the environment is safeguarded and improved. Similarly, in respect of the Main Issue in this appeal, NDP Policy H4 seeks to ensure that the development of garden land would preserve or enhance the character of the area and would not result in inappropriate proposals which are at odds with the existing settlement pattern. This approach is reinforced by NDP Policy D2 which also requires development to respond to

local character, including its density and scale. These policies are further reflected in CS design Policy CS.9.

5. Fairview is a semi-detached house with a long rear garden containing various outbuildings. There is an access between the side of Fairview and the end elevation of the adjacent terrace of neighbouring cottages. The terrace is set back considerably from the road and from the front of the pair of semi-detached houses. There is no defined building line along Mill Lane and there are a number of buildings, mostly cottages, in what could be described as back land locations. These structures include The Shed, a dwelling to the north-west of the appeal site, which is also within the appellant's ownership. The varied street scene contains predominantly two-storey housing of various designs. This pattern of development creates a somewhat fragmented and open textured grain of development which is in keeping with the rural character of the village.
6. The appeal site is in an elevated position when viewed from Mill Lane and it is visible from the access. The bungalow would be visually prominent, allowing it to be read within the context of the varied street scene. The size, design and position of the bungalow would be consistent with the rural character of the area, having the appearance of a subservient outbuilding typical of other garden structures in the locality.
7. The appeal proposal would inevitably result in a degree of visual change to the locality. However, change is not necessarily harmful. The bungalow would become part of the mix of building styles and the variety of plot layouts in the area. In its back land position, the bungalow would not appear discordant but would be seen as part of the varied and informal pattern of development that is characteristic of the area. The proposal would thus reinforce the settlement pattern which is typical of this part of Kinton. It would comply with the detailed guidance in Part D of the Council's adopted *Development Requirements* SPD (SPD) which requires proposals to have regard to the existing context and to integrate well with the grain of the development that surrounds it, including density, and to respect the character of the surrounding area.
8. There would be adequate private amenity space for the existing and new developments. On this basis and having regard to the character of the surrounding area, I am not convinced that the proposed development would appear cramped.
9. I conclude that the proposed dwelling would be of an appropriate size and appearance and the resulting density would be in keeping with the locality. The development would contribute to the attractive appearance and character of Kinton. Overall, I therefore conclude that the proposed development would accord with Policies H4 and D2 of the NDP, CS Policy CS.9 and the detailed guidance set out in the SPD. These policies and guidance are consistent with the aims of the Framework to safeguard and improve the environment.

Other Matters

10. The appeal proposal includes works to refurbish and extend an existing outbuilding to provide car parking for the new bungalow. It would also provide additional space for the occupiers of Fairview. The erection of a new garage to serve The Shed is shown which benefits from an earlier planning permission.

No objections are raised to these elements of the proposal and I conclude that they would be subservient additions and appropriate in scale to the host buildings and the area.

11. I have given considerable weight and importance to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the effect of the proposed development on the nearby conservation area and a terrace of Grade II listed cottages to the south of the appeal site. Having regard to the scale of the proposed development and the extent of the intervening space between the site and the heritage assets, I conclude that the development would preserve their special interest and settings. Accordingly, the development would accord with the statutory requirements and NDP policy D2 and CS policy CS.8 which, in summary, seek to ensure that heritage assets are preserved or enhanced.
12. In addition to the matters discussed above, the objections of the Parish Council and neighbouring occupiers in terms of objections to access, traffic and parking, use of gravel, loss of habitat and flood risk have been taken into account. However, having regard to all of the representations including consultation responses of the Highway authority and Warwickshire County Council ecologist and the planning history of the wider site, I share the Council's view that these matters have been satisfactorily addressed by the proposal. They are not determinative to this appeal.

Conditions

13. I have identified the approved drawings in a condition for the avoidance of doubt and in the interest of proper planning. Details of the proposed external materials and a landscaping scheme are required to be submitted in order to safeguard the appearance of the area. Details of the disposal of foul and surface water are required to safeguard against pollution and flooding. Conditions are imposed to control the construction of the access and to secure cycle and vehicle parking and forward access, in the interest of highway and pedestrian safety. For the same reason the height of the Mill Lane boundary is controlled by condition.
14. I have imposed a condition requiring details of refuse and recycling storage in order to provide appropriate domestic waste management without harming the character and appearance of the surrounding area and local living conditions. A water butt is required by condition to encourage the reuse of water resources. I have imposed a condition requiring a vehicle charging point to support the transition to a low carbon economy.
15. I have amended the suggested wording of conditions to improve clarity, including the suggested wording of the condition requiring landscaping details. Pre-commencement conditions have been agreed with the appellant.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

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 approved plans 2064/03 Revision A, 2064/04 and 2064/06.
- 3) Prior to construction taking place above slab level, a schedule of materials and finishes (including samples and trade descriptions/brochure details where appropriate) to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and completed before the development is first occupied.
- 4) Prior to construction taking place above slab level, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:
 - a) planting plans (to a recognised scale) and schedules indicating the location, number, species, density, form and size of the proposed trees, hedges 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) existing and proposed finish levels (to include details of grading and contouring of earthworks and detail showing the relationship of proposed mounding to existing vegetation and surrounding land form where appropriate);
 - f) the means of accommodating change in levels (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
 - g) location, type and materials to be used for hard surfacing where applicable including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
 - h) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge banks) where appropriate;
 - i) car parking layout and any other vehicle and pedestrian access and circulation areas;
 - j) a timetable for the implementation of the soft and hard landscaping scheme.

The approved landscaping works shall be carried out in accordance with the approved timetable of implementation and shall thereafter be protected,

maintained and managed in accordance with the approved details.

If, within a period of 5 years from the date of the soft planting pursuant to this condition, that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority seriously damaged or defective, shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. 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 or plants.

- 5) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 6) The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5m width for a distance of 7.5m, as measured from the near edge of the public highway carriageway in accordance with drawing number 2064/03A and the public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.
- 7) The development shall not be occupied until secure storage for 1 bicycle, parking for 2 cars and a turning area have been provided within the site so as to enable cars to leave and re-enter the public highway in a forward gear in accordance with drawing numbers 2064/03A, 2064/04 and 2064/06. They shall be kept available for these uses hereafter.
- 8) No wall or boundary fence within the site fronting Mill Lane shall be of a height greater than 0.6m.
- 9) The dwelling hereby permitted shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided in accordance with the Council's bin specifications.
- 10) The dwelling hereby permitted shall not be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with the child-proof lid and connected to the downpipe.
- 11) The dwelling hereby permitted shall not be occupied until it has been fitted with an electric vehicle charging point. The electric vehicle charging point shall be retained for the lifetime of the development. Any replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.