



Appeal Decision

Site visit made on 30 November 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/J3720/W/21/3280033

Hardwick House, Broad Lane, Tanworth In Arden B94 5DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr John Cook against Stratford-on-Avon District Council.
 - The application Ref 20/03580/FUL, is dated 27 November 2020.
 - The development proposed is described as 'three detached houses greenbelt infill'.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. Following the submission of the appeal against non-determination the Council, in their appeal statement, clarified the position it would have taken if it had had the opportunity to make its decision. This has informed my assessment of the main issues.
3. The Council has made reference to its Development Requirements Supplementary Planning Document (the SPD) which is split into a number of parts with varying dates of adoption. Where I refer to the SPD in my decision, I have given the adoption date for the relevant part in brackets.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on openness in the Green Belt;
 - the effect of the proposal on the character and appearance of the area, including in respect of trees;
 - the effect of the proposal on the ecological value of the site;
 - whether it has been demonstrated that the proposal would be acceptable with respect to its effect on the living conditions of the future occupants of plot 1, with particular regard to daylight and sunlight; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances

required to justify the development.

Reasons

Whether Inappropriate Development

5. Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages (paragraph 149 e)). Criterion e. of Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (adopted 2016) (Core Strategy) broadly conforms to national Green Belt policy. It regards limited infilling in Local Service Villages identified in accordance with Policy CS.16, as an exception to inappropriate development in the Green Belt.
6. It is not a matter in dispute between the main parties that the proposal falls within Wood End village which is defined as a Local Service Village in the Core Strategy. I concur. Fronting on to Broad Lane (the Road), the proposed new dwellings would occupy the width of the site from Wellington House on one side, to the existing access road to the other. Although the position of the proposed dwellings would be slightly staggered, they would broadly follow the existing building line along the Road. Consequently, they would appear to infill a gap in the street scene.
7. National guidance does not define when infilling in villages is to be regarded as 'limited'. It is therefore to be determined as a matter of fact and degree. The plot widths of the three dwellings would be comparable to the two adjacent plots on one side (Wellington House and Mulberry House). The existing access road would retain a degree of separation to existing houses to the other side of the appeal site. The three proposed dwellings would not be noticeably closer to each other and adjacent houses than is evident between some other houses in the locality. The absence of detached garages would mean the footprint of each new dwelling would be contained within one building.
8. However, the proposal would replace one dwelling and its garage with three detached dwellings, therefore there would be a sizeable increase in the volume of built development on site, as well as an increase in number of dwellings. The proposed dwellings would be notably taller than the existing house and slightly taller than the adjacent Wellington House. Moreover, the substantial width of each dwelling would give the development considerably greater presence in the street scene than the existing house, even accounting for retention of boundary treatment along the Road.
9. I note that the Council appears to have accepted housing on the adjacent site as limited infilling in a village, albeit the full circumstances of that decision are not before me. I note also that the principle of developing this site as an infill housing scheme for three dwellings has previously been accepted by the Council. However, that does not alter my assessment of the specific proposals before me.
10. Due to the increase in number of dwellings proposed and their overall scale and bulk, I find that the degree of infilling proposed cannot reasonably be regarded as 'limited'. Consequently, it would not amount to limited infilling in a village under paragraph 149 e) of the Framework. Nor would it satisfy criterion e. of

Policy CS.10 of the Core Strategy. It would therefore be inappropriate development in the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. The existing dwelling appears as a two storey building with a single storey garage, set within a generous garden. This would be replaced by three detached dwellings, each of three storeys in height, resulting in a considerable increase in the footprint, height and volume of built development on site. Although it would be partially screened from the Road by retained landscaping, the proposed houses would not be entirely screened from view from there or the adjacent footpath. As such there would be both a spatial and visual reduction in openness, resulting in further harm to the Green Belt.

Character and Appearance

12. House designs on the Road are varied and range from one to two storeys in height, accepting that some may have living space in their roofs. With the exception of a limited number of relatively small dormer windows, on front elevations windows are visible at ground and first floor level only and are predominantly rectangular in shape. This absence of large windows at roof level limits the dominance of the houses in the street scene. In addition, front gardens are generally well landscaped with mature trees and vegetation, giving a pleasant, verdant character to the area.
13. The appeal scheme would consist of dwellings overtly three storeys in height. The front elevations would comprise comparatively large windows projecting into the roof line. Rather than being rectangular, these windows would follow the triangular line of the gable roof. This would contrast starkly with the size, shape and position of fenestration that is typical on existing houses along the Road.
14. In combination with the slightly higher overall roof line in comparison to Wellington House, and substantial building widths when viewed from the Road, the repetition of the large gable windows across all three dwellings would jar with the more traditional form of nearby houses, where fewer interruptions in the roof line creates a softer appearance. Integration of garages within the proposed dwellings would help to limit their dominance from the Road. However, the scale and bulk of the proposals would also be emphasised by the proposed chimneys that would project further above the roof line on plots 1 and 3.
15. The appellant has made reference to other planning approvals in the locality for large detached residential properties of a similar or larger scale as the appeal scheme. However, full details of those schemes are not before me. In any event, each proposal should be considered on its own merits and in the circumstances particular to its location. In this instance, the combination of the scale, shape and number of windows at roof level, together with the overall bulk of the dwellings, would unacceptably harm the character and appearance of the area. I appreciate that the appeal scheme reflects changes made to address the Council's concerns on a previous scheme. Whilst improvements may have been made, I have determined the appeal on the evidence before me and find it unacceptable in regard to this main issue.

16. Given the limited visibility of the proposal from the surrounding landscape, it would not unacceptably harm the landscape quality of the Special Landscape Area in which it is located. I note the proximity of a mature tree to plot 1 of the appeal scheme. The Council has expressed concern that this could limit natural light levels in its front facing habitable room at second floor level, to an unacceptable degree, resulting in future pressure to remove the tree and consequential harm to the character and appearance of the area.
17. The tree is visible from the Road and makes an attractive contribution to the verdant character of the area. Nevertheless, on the evidence before me I am satisfied that the front façade of plot 1 is set back sufficiently from the tree to avoid unacceptably limiting daylight or sunlight within habitable rooms there. The dwelling on plot 1 would be located approximately south of the tree which would also limit its potential to cause windows to be in shadow. Moreover, given the verdant character of the area, it is reasonably likely that future occupants of plot 1 would be attracted by that character and therefore less inclined to seek to remove the tree, even accepting a degree of nuisance from falling tree detritus.
18. Concluding on this matter, although the proposal would not harm the Special Landscape Area and I find the proximity of plot 1 to the mature tree to be acceptable, the design of the proposed dwellings would unacceptably harm the character and appearance of the surrounding area for the reasons I have given.
19. Therefore, whilst it would comply with policy CS.12 of the Core Strategy relating to proposals in a Special Landscape Area, the proposal would be contrary to Policy CS.9 of the Core Strategy. Amongst other matters, and in regard to this main issue, this policy seeks to ensure proposals reflect the character of their locality, with reference to ensuring continuity of design features that are important to the identity of an area. The proposal would also be contrary to paragraph 130 of the Framework which seeks to ensure developments are sympathetic to local character.

Ecology

20. Mature hedging is present along the front boundary of the site. Two gaps in the hedging have been infilled with fencing and appear to align broadly with the proposed vehicular accesses for plots 1 and 2. Mature trees are also present within this front boundary, closer to the site proposed for plot 3. Accepting that some hedgerow planting may have been removed in anticipation of the future development of this site, on the evidence before me, it appears that only limited further vegetation or tree removal would be required to facilitate the development. Were I to allow the appeal, an appropriately worded condition could be imposed to address retention of existing vegetation and trees, and secure suitable mitigation measures as necessary to minimise impacts and provide net gains to biodiversity.
21. Therefore, I conclude that the proposed development would be acceptable with respect to its effect on the ecological value of the site. Accordingly, it would comply with Policy CS.6 of the Core Strategy which generally seeks to ensure proposals minimise impacts on biodiversity and secure net biodiversity gain where possible. Similarly, it would accord with supporting guidance to this policy in parts M and N of the SPD (2018). It would also accord with paragraph 174 of the Framework which seeks to minimise impacts and provide net gains for biodiversity.

Living Conditions

22. As reasoned above, I am satisfied that the proximity of plot 1 to the mature tree in its front garden would not unacceptably harm the living conditions of future occupants of this dwelling, with respect to loss of daylight or sunlight. However, evidence in respect of the relative positions of habitable room windows in the dwelling proposed on plot 1 in relation to that of plot 2 is very limited. As such I cannot be sufficiently certain that the position of the plot 2 dwelling would not unacceptably compromise the living conditions in the plot 1 dwelling, by restricting natural light and sunlight reaching habitable rooms at the front of the property. Nor can I conclude whether the proposals would comply with guidance in part F of the SPD (2019) relating to the 45 degree and 25 degree codes. Whilst this may only have been raised by the Council at appeal, no conclusive evidence has been submitted in response.
23. Therefore, it has not been demonstrated that the proposal would be acceptable with respect to its effect on living conditions of the future occupants of plot 1, with particular regard to daylight and sunlight. Accordingly, in regard to this main issue, I cannot conclude that the proposal complies with the provision in Policy CS.9 of the Core Strategy for proposals to achieve a good standard of amenity for its occupiers.

Other Considerations

24. The proposal would enable the delivery of two additional dwellings on land already in residential use, making a small contribution to the Government objective of boosting housing supply. I recognise the potential value from future occupants of the proposed dwellings in generating additional demand for local goods and services. There would also be associated benefits to the local economy such as through the construction process. Nevertheless, given the small number of dwellings proposed, the associated benefits would be similarly small. Taking these matters together, I afford them limited weight. An absence of harm in respect of matters such as highway safety is a neutral consideration.

Conclusion

25. The appeal scheme would be inappropriate development in and unacceptably reduce the openness of the Green Belt. In accordance with paragraph 148 of the Framework, these harms should be afforded substantial weight. I also attach substantial weight to the harm the proposed development would cause to the character and appearance of the area. It has further not been demonstrated that the appeal scheme would achieve acceptable living conditions for its future occupants. In each case, these harms would lead to conflict with the development plan. I have found a lack of harm in respect of the mature tree and some compliance in respect of ecology, however this would be broadly neutral in any balance.
26. Consequently, the harm to the Green Belt, and any other harm, is not clearly outweighed by the other considerations I have taken into account above. Therefore, the very special circumstances necessary to justify the proposed development have not been demonstrated and the appeal should be dismissed.

Rachel Hall

INSPECTOR