



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: 28 January 2022

Appeal Ref: APP/J3720/W/21/3278598

12 Bell Field, Tanworth-in-Arden B94 5AW

- 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 Miss C Higgins against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01864/FUL, dated 13 July 2020, was refused by notice dated 11 February 2021.
 - The development proposed is erection of new 2 bedroom bungalow dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address above, 12 Bell Field, is taken from the planning application form, although I note that it is also referred to as 12 Bellfield in some of the appeal documentation.
3. The site has planning permission for erection of a two storey side extension (Ref 19/01521/FUL) and a lawful development certificate for a proposed detached garage in the rear garden (Ref 19/03376/LDP). The proposed side extension overlaps with the parking provision for the appeal scheme. Therefore, subject to an appropriate condition to secure implementation of the appeal parking, it could not be implemented in addition to the appeal scheme. Similarly, due to overlapping footprints, the proposed detached garage and the appeal scheme could not both be implemented.
4. The site also has planning permission for erection of a two storey and single storey rear extension (Ref 20/01142/FUL). This has not been implemented but is shown on the appeal plan and it is the appellant's intention that this would be implemented were the appeal to be allowed. Whilst the appellant submits that all three extant permissions could be implemented, on the evidence before me the side and rear extensions do not appear entirely compatible without modification to approved plans. Consequently, I have considered the fallback scheme to comprise the proposed side extension and detached garage.
5. The appellant indicates that following implementation of the appeal scheme and extant rear extension, the private garden area for No 12 would be 56 square metres (sqm). The same figure was referenced in the Council's officer report. Whilst it was subsequently stated as 38sqm in the Council's statement of case, no explanation has been given for the lower figure and no final comments were provided by the Council. I have therefore determined the

appeal on the basis that it would be circa 56sqm. There is no robust evidence before me to indicate otherwise.

6. It is not disputed between the main parties that the emerging Tanworth-in-Arden Neighbourhood Development Plan carries very limited weight in the determination of this appeal.

Main Issues

7. The Council has found that the proposal would not comprise inappropriate development in the Green Belt as it represents limited infilling within a village. This is one of the exceptions to inappropriate development specified in paragraph 149 of the National Planning Policy Framework (2021) (the Framework) and Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (July 2016) (Core Strategy). I concur with that position and the matter is not disputed by the main parties to this appeal. On that basis the proposal would not be harmful to openness of the Green Belt or the purposes of including land within it.
8. Accordingly, the main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - the living conditions of existing occupants of No 12 and future occupants of the appeal scheme with respect to accessibility, outlook, privacy and provision of private outdoor space; and
 - highway safety.

Reasons

Character and appearance

9. The appeal scheme would be located within the rear garden of No 12. Although vehicular access to its parking provision would be from Bell Field, the proposed dwelling would primarily be seen in the context of residential properties on Doctors Close (the Road). There, the building line is varied. This, together with an absence of pavements to either side of the Road, creates a relatively high density feel. Existing views into the rear garden of No 12 are limited due to its close-boarded boundary fence. However, it is in a prominent position on approach from The Green/Doctor's Hill and provides a welcome gap in the built form.
10. I note that the proposal would have a relatively low profile, and its footprint was reduced during the determination period. Its materials and design with a hipped roof would not jar with the varied style of housing in the vicinity. It would be orientated to address the Road and provide a degree of surveillance there. However, it would be positioned relatively close to the rear site boundary and its boundary with the footpath. This would emphasise its prominence in the street scene, resulting in a reduction in the sense of space that the site currently provides. In addition, the presence of a new dwelling would likely result in an increase in comings and goings, in stark contrast with its existing use as a garden associated with No 12. It would consequently appear as an unacceptably cramped and contrived addition to the street scene.
11. Whilst the appeal scheme would have a less enclosing effect on the footpath in comparison to the existing boundary fence, the footpath is not particularly long

and therefore such benefits would be relatively limited. I accept that development of rear gardens of a similar form are present in the locality. However, the existing bungalow development adjacent to 15 Bell Field appears as a more logical extension to the built form. It fits neatly to the rear of two runs of terraced buildings, without unacceptably harming the character and appearance of surrounding residential roads. Similarly, the pattern of development at Vicarage Hill/Bates Lane is considerably less visible from surrounding roads than would be the case here.

12. I accept that erection of the side extension of the fallback scheme would curtail views from Bell Field through to the nearby church to a certain extent. However, there is no robust evidence before me to indicate that that view is of particular local or historical importance. In any event, the church would come into view on the approach to Doctors Close. The side extension of the fallback scheme would also have a more enclosing effect on the footpath in comparison to the appeal scheme. However, as reasoned above, the footpath is relatively short, leading from one residential area to another. Consequently, any harm from a greater degree of enclosure would be limited.
13. The fallback scheme would result in a greater volume of development in comparison to the appeal scheme and proposed rear extension. Nevertheless, the fallback scheme would appear as a more natural extension of the existing dwelling without introducing a new, independent use into the rear garden. Moreover, the appeal scheme would be taller and wider than the detached garage when viewed from the Road. It would also be positioned much closer to the footpath and rear boundary of the garden. Overall, the fallback scheme would have a less harmful effect on the character and appearance of the area than the appeal scheme.
14. Concluding on this matter, the proposal would harm the character and appearance of the surrounding area. It would therefore be contrary to Policy CS.9 of Core Strategy, which requires that proposals are appropriate to the character of the area and do not harm features that make a positive contribution. It would also be contrary to paragraph 130 of the Framework which requires that proposals are sympathetic to local character.

Living conditions

15. The Council raised concerns that the layout of the proposed parking for the existing and proposed dwellings would leave little room for pedestrian access to the front door of No 12. The appellant highlighted that a shared block paver access path would provide access to the front door of No 12. However, the submitted plan shows that the path would narrow to a point at the front of the existing house. It therefore appears that, when all four parking spaces are in use, access to the front door of No 12 would be highly constrained. Without robust evidence to the contrary, I find that the proposal would compromise the access to No 12 to an unacceptable degree. Accessibility of the proposed dwelling would be similarly compromised.
16. Although positioned relatively near to No 12 at the closest point, the footprint of the proposed dwelling would be offset, not directly in line with that of No 12. Together with its single storey nature and hipped roof design, this would limit the impact of the proposal on outlook for occupants of the existing building, including from its potential rear extension. Similarly, habitable room windows of the appeal scheme would be orientated to overlook its garden and the Road

rather than directly on to No 12. The outlook for both existing and proposed properties would therefore be acceptable.

17. The offset footprint would also considerably limit the potential for direct views from existing windows at No 12 and its proposed rear extension into the appeal scheme, and vice versa. Windows on the rear elevation of No 12 would overlook part of the garden to the proposed dwelling. However, a degree of overlooking is to be expected in this village setting. Moreover, the garden area closest to No 12, indicated as a private patio/amenity space on the submitted plan, would be provided with a reasonable level of privacy.
18. Although the garden for the occupants of the existing dwelling at No 12 would be considerably reduced, there is variation in garden sizes in the vicinity. As such it would not be excessively small for its location in a relatively high density residential area. I note that it would exceed the indicative minimum garden area for a three bedroom house given in Part D of the Development Requirements Supplementary Planning Document (April 2019) (the SPD). It would also be broadly in line with the dimensions given as general guidelines for functional residential garden space, at page 15 of the SPD.
19. The garden for the appeal dwelling would be provided in two main areas. Whilst that layout would not accord with the suggested garden dimensions in the SPD, sufficient space would be retained for outdoor seating and day to day activities such as drying of clothes. The overall quantum of private outdoor space, shown as 57 sqm, is well in excess of the indicative minimum of 40sqm for a two bed dwelling as set out in the SPD.
20. I therefore conclude that whilst the proposal would not unacceptably harm the living conditions of existing occupants of No 12 or future occupants of the appeal scheme with respect to outlook, privacy and provision of private outdoor space, it would unacceptably harm their living conditions with respect to accessibility. On that basis, it would not comply with Policy CS.9 of the Core Strategy in respect of this main issue. Amongst other matters, this policy establishes criteria which together help achieve high quality design, including that proposals provide a good standard of space and amenity for occupiers. It would similarly be contrary to paragraph 130 of the Framework which requires that proposals are accessible and provide a high standard of amenity for existing and future users.

Highway safety

21. The Council has concerns that the length of the proposed parking spaces would be insufficient and could therefore lead to vehicles overhanging the pavement on Bell Field, presenting difficulties for pedestrians including accessibility for wheelchair users and those with pushchairs. At the time of my site visit two vehicles were parked at No 12 without unacceptably infringing on the pavement. On balance, and given that road traffic is likely to be limited on this spur of Bell Field in any event, I am satisfied that the proposal does not pose an unacceptable risk to the safety of pedestrians and other footpath users. Whilst the road may not be adopted, it is relevant that County Highways also considered the size of parking spaces to be sufficient.
22. I therefore conclude that the proposal would not harm highway safety and would accord with Policy CS.26 of the Core Strategy, which requires that parking provision avoids unacceptable impacts on highway safety. It would

consequently accord with paragraph 112 of the Framework which seeks to ensure proposals minimise the scope for conflict between pedestrians and vehicles.

Other Matters

23. The proposal would enable the delivery of an additional dwelling on land already in residential use, making a small contribution to the Government objective of boosting housing supply, in a location close to nearby facilities. I recognise the potential value from future occupants of the proposed dwelling 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 scale nature of a single proposed dwelling, the associated benefits would be similarly small.
24. Benefits of reduced traffic on the Road as a result of the closing up of a vehicular access would also be small. I note that the proposal could be designed with high quality insulation, energy efficiency measures, incorporating SuDS, electrical vehicle charging and could deliver some biodiversity benefits. Any benefit from increased enclosure of rear gardens of houses on Bell Field would be highly limited. These matters are not sufficient to outweigh the harms I have identified. Absence of harm in respect of matters such as flood risk are neutral considerations.

Conclusion

25. Although the proposal is not inappropriate development in the Green Belt, it would harm the character and appearance of the area and the living conditions of the existing and future occupants of the site with respect to accessibility. It would therefore conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR