



Appeal Decision

Site visit made on 11 January 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/J3720/W/21/3271377

**Land to the rear of 182 and 183 Evesham Road, Stratford-Upon-Avon
CV37 9BS**

- 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 Barnes against the decision of Stratford on Avon District Council.
 - The application Ref 20/02305/FUL, dated 21 August 2020, was refused by notice dated 19 November 2020.
 - The development proposed is erection of detached bungalow in lieu of recently approved 4 bay detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Barnes against Stratford on Avon District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a parcel of garden land located to the rear of dwellings 182 and 183 Evesham Road. The site was formerly used by the occupiers of these properties for parking and garaging. At present this site is separated and enclosed from the retained gardens of those properties by a combination of boundary treatments and is flanked by long gardens, in a relatively open and verdant setting. Despite its separation, because of its lawned surface and generally maintained boundaries, the appeal site maintains the appearance of a garden and complements its setting.
5. The area is characterised by mainly dwellings along Evesham Road and Shottery Road, to the north, with long rear gardens stretching back towards a rear access track, known locally as 'Wheelbarrow Lane'. This arrangement gives the area a distinct pattern of development. Wheelbarrow Lane is a single vehicle width track with a part eroded grassed surface from use by vehicles. The track is flanked by a range of boundary treatments and vegetation. These,

together with the verdant back gardens/plots, including the appeal site, give it a noticeably informal and semi-rural feel.

6. Beyond the boundary treatments there are some low-level incidental outbuildings in various utilitarian designs, some of these are located near to the track. Most notably, there are no dwellings fronting on to this part of Wheelbarrow Lane. A builder's yard is located to the west and there is more modern housing development along Brownlow Drive to the east, but the area between comprises of mainly garden land and soft vegetation.
7. Irrespective of its design, the proposed dwelling would be setback from Wheelbarrow Lane behind an extensive frontage and would be broadly central to the plot. It would incorporate two floors of accommodation and though the first floor would be located in the roof space, this would make the dwelling relatively taller and more apparent through the use of rooflights and dormers, than nearby non-residential buildings. Therefore, combined with its generous footprint, the proposal would introduce a sizeable family dwelling, located midway between a series of linear rear gardens/plots, which are free of any substantial development. Consequently, the proposal would not be consistent with the prevailing pattern of development in the area and therefore would be incongruous.
8. Moreover, this scale of development would be visible to an extent in views from near the northern end of Brownlow Drive, from properties in the area, and by users of the track, which is unadopted, but is accessed by the public, as I observed.
9. The passing bay and turning area in front of the proposed dwelling would provide a more formal entrance to the site. This, together with the extent of the proposed dwelling would have an erosive impact on the informal character and appearance of the track. Although the appellant asserts that the passing bay is not necessary to make the development acceptable in highway terms and has been offered as a benefit to other users of the track, this still forms part of the proposal before me.
10. For the above reasons, the proposal would harm the character and appearance of the area. I therefore find conflict with Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011 to 2031 ('CS') which requires developments to reflect the character and distinctiveness of the locality and Policy CS.5 of the CS which amongst other things requires that development takes place in a manner that minimises and mitigates its impact.
11. The proposal is also contrary to Policies H5 of the Stratford Upon Avon Neighbourhood Plan ('SuANDP') which supports developments on gardens where it can be demonstrated that they preserve or enhance the character of the area and Policy BE2 which requires all development proposals to demonstrate how local character has been considered during the conception and evolution of a design.

Other Matters

12. I have considered the fallback for the garage block granted under planning permission Ref: 20/00803/FUL at the appeal site. For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out in the event that this planning permission were

to be refused, but also needs to be more harmful than what would be allowed by the scheme for which permission is sought.

13. Given that the site has been used for garaging and vehicle parking and because the appellant has secured a planning permission for the garage, there is a reasonable prospect of the fallback position being carried out in the event that this appeal was to be dismissed.
14. The approved garage can only be used for domestic purposes, and although this would occupy a similar footprint to the proposed dwelling, it would be located closer to the lane. Also, it comprises a low-lying form and because of the inclusion of garage doors would have a utilitarian appearance. Whilst this proposal includes a forecourt, the extent of this is modest compared to that proposed for the appeal scheme. Consequently, the overall siting, scale and appearance of the approved garage would be consistent with the general arrangement of garages and outbuildings along the track and therefore reinforces the character and appearance of the area. Accordingly, the fallback offers very limited weight in support of the proposal.
15. A detached dwelling has been allowed on appeal (APP/J3720/W/19/3227420). I acknowledge that this site and the approved development share some similarities to the appeal site and proposal. In that the approval is for a single dwelling on garden land to the rear of Evesham Road, which is accessed via a separate section of Wheelbarrow Lane. Nevertheless, as outlined in that appeal decision, there is a very specific set of circumstances at that site namely the close relationship to dwellings to its north and west, and the proximity to Seymour Road. Such circumstances are not shared with the site before me, which would introduce a dwelling that is physically and visually separate from others.
16. Whilst the proposal would provide an additional dwelling for which there is some local and national policy support. The benefits associated with a single dwelling, including the creation of an active frontage and surveillance along Wheelbarrow Lane, would be limited and do not outweigh the harm I have identified and conflict with the development plan.

Conclusion

17. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR