
Appeal Decision

Site visit made on 6 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/J3720/W/21/3289389

7 Benson Road, Stratford-Upon-Avon, CV37 6UU

- 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 David Cranage Developments against the decision of Stratford on Avon District Council.
 - The application Ref 21/01600/FUL, dated 11 May 2021, was refused by notice dated 29 September 2021.
 - The development proposed is demolition of the existing building. Construction of 6No apartments with associated parking and amenity space. Apartments to be 4x2 bed and 2x1 bed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In support of their case, the Appellant submitted the results of a parking survey, which was conducted after the Council's decision on the appeal application. The Council were of the view that this information was not subject to public consultation and, as such, the appeal should be determined on the basis of the proposal as set out in the application.
3. Having reviewed the submitted information, I do not consider that the main elements of the scheme have materially altered from that originally submitted and upon which consultation took place. I consider that the parking survey seeks to address the Council's reason for refusal on this matter, rather than alter the proposed development. Against this backdrop, I consider that no-one would be prejudiced if I were to consider the submitted information as part of the appeal, taking account of the principles established in the Wheatcroft case. Therefore, I have determined the appeal on this basis.

Main issues

4. The main issues in this appeal are:
 - The effect of the proposed development upon the living conditions of surrounding residents, in particular from overbearing and loss of sunlight and daylight; and
 - The effect upon highway safety.

Reasons

Living conditions

5. The appeal site comprises an unoccupied, detached two storey dwelling, which sits within a relatively long plot, with hardstanding to the front and a currently overgrown garden area to the rear. The surrounding area is predominately residential, with a mix of detached dwellings and two apartment blocks. Buildings are mainly set back from the road in relatively spacious plots. The surrounding area is sylvan and verdant in character.
6. To the east is Welcombe Grange, a large apartment block, with communal gardens to the rear that are open and mainly laid to lawn. The design of the apartment building is such that it includes a two-storey rear element which protrudes into the site and contains a number of windows that face towards the appeal site. The western ground floor apartment has a rear patio area. The boundary between the appeal site is identified by a close boarded fence.
7. To the west is Stratford Court, which is an apartment block that occupies a corner position, with a large rear communal garden area. A number of the ground floor apartments have patio areas. Due to the position of the building within the plot, the majority of the rear windows are slightly angled away from the appeal site. The boundary with the appeal site is defined by well-established landscaping.
8. The proposed development would involve the demolition of the existing building on site and its replacement with a single building, accommodating six flats. Ten car parking spaces would be provided to the front. The proposed building would be larger than the existing dwelling and extend further into the appeal site, with the two-storey element extending across its full width. As a result, the proposed development would be of a greater scale, bulk and mass. To accommodate the parking area to the front, the proposed building would also be positioned slightly further back into the site, when compared with the existing dwelling.
9. Due to the position of the building within the plot, this additional scale, bulk and mass would be readily visible and prominent when seen from the rear of Welcombe Grange. It would introduce a form of development that would extend a considerable distance along the shared boundary between the two properties. Considering the proximity, design and height, the proposal would represent a visually intrusive and overbearing form of development, that would create a significant feeling of enclosure to the neighbouring property. As a result, it would represent an overbearing form of development that would be harmful to the living conditions of residents using the communal gardens at the rear of Welcombe Grange and those apartments that face towards it.
10. Given the proximity of the proposed development to the boundary, along with the increase in scale, mass and height of the proposed building, it is likely that the proposed development would increase overshadowing, in particular for those rooms that face towards the appeal site, along with parts of the communal garden area of Welcombe Grange. However, to some degree, there is already an element of overshadowing from the existing dwelling on the appeal site. Furthermore, I also note the supporting information submitted by the appellant. On this basis, whilst there would likely be an increase in overshadowing, due to this change being relatively limited, I do not find this to

be of such a degree as to warrant the withholding of planning permission on this basis alone.

11. However, whilst I do not consider the proposal to result in any adverse overshadowing, due to the overbearing nature of the proposed development, it would have an adverse effect upon the living conditions of the residents of Welcombe Grange.
12. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of surrounding residents and, in this respect, is contrary to Policy CS.9 of the Stratford-on-Avon Core Strategy 2011- 2031, and the Framework. These policies, amongst other things, state that development should be sensitive to neighbouring uses.

Car parking

13. The proposed development would provide a total of ten car parking spaces, with the Council's adopted standards requiring the provision of eleven. As a result, the proposal would have a short fall of a single space. On the street, immediately to the front of the site, there are double yellow lines, which restrict the use of the road to accommodate the shortfall. In the wider area there are a number of parking areas, however these are subject to either parking permits, time restrictions, or in the case of public car parks, a charge.
14. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraph 107 requires parking standards to take into account, amongst other things, the accessibility of the development. Paragraph 108, amongst other things identifies that maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network, with Paragraph 111 stating that development should only be prevented or refused where it would have an unacceptable impact on highway safety.
15. In this regard, I acknowledge the proximity of the site in relation to the town centre, local services and facilities and I also note the results from the applicant's parking survey, which shows an availability of on-street spaces. Therefore, whilst the proposal would result in an under provision of parking, there is no evidence that this would lead to any unacceptable impact on highway safety. Furthermore, I note that the Highway Authority has not objected to the proposal.
16. For the above reasons, whilst there would be an under provision of parking, I conclude that the site lies in a sustainable location and therefore the proposed parking spaces are adequate to support the proposed development and, as such, it would be unlikely to have an adverse effect upon highway safety. In this regard, the proposal complies with Policy CS.26 of the Stratford-on-Avon Core Strategy 2011- 2031, Part O of the Development Requirements Supplementary Planning Document and the policies contained within the Framework.

Conclusion

17. I have found that the proposed development would not have an adverse effect upon highway safety. However, this is outweighed by the harm to the living conditions of surrounding residents. For the reasons given above, and having

regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR