



Appeal Decision

Site visit made on 27 February 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/J3720/W/22/3300958

1-7 Trinity Close, Stratford-Upon-Avon CV37 6BQ

- 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 Golden Key Property Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/03559/FUL, dated 8 November 2021, was refused by notice dated 9 March 2022.
 - The development proposed is described on the application form as proposed extensions to dwellings creating one new dwelling, form vehicular access and new car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and affects the setting of (a) listed building(s), I have had regard to the statutory duties set out under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The structure of my reasoning below dictates that the first two main issues are dealt with together. The main issues are:
 - The effect of the proposal upon the character or appearance of the Stratford-Upon-Avon Conservation Area (the CA), including consideration of the effect upon trees intended to be retained;
 - The effect of the proposal upon the setting and thereby the significance of the Grade I Listed Holy Trinity Church (the Church);
 - The effect of the proposal upon highway safety, having particular regard to intended parking arrangements; and
 - Whether or not satisfactory living conditions for future occupiers of the development would be provided, having particular regard to the availability of private garden space.

Reasons

Site and surroundings

4. The site contains an L-shaped building of one and a half storeys that is divided into seven one-bed dwellings, which share a communal landscaped garden.

The garden is typically grassed and contains several mature trees of mixed species. No vehicular access serves the site currently, with a single pedestrian access gate punctuating an historic wall that runs along Trinity Close and is of predominantly brick-built construction incorporating blue lias stone (the boundary wall). The building has a discreet and low-key presence, owing to its somewhat modest height, the existence of adjacent established planting, and the enclosed nature of the site. Open frontages are in place to either side of the site, serving a Methodist Church Centre and Parish Centre respectively, whilst the Grade I Listed Church and its well-vegetated churchyard are situated opposite.

Significance and special interest

5. The CA comprises the historic core of Stratford-Upon-Avon, which has medieval origins. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its wide range of often exceptional listed buildings, its array of traditional and historic building materials, its variety of sometimes extensive and often well-planted open spaces, and the prominence and aesthetic appeal of the River Avon. The appeal site, which is edged by the boundary wall and contains established planting visible from the public realm, makes a positive contribution to the CA.
6. The Church is a particularly grand building located towards the southern end of the CA. The earliest surviving fabric of the Church is of early 13th-century origin, and the asset was subject to 19th-century restorations. The significance and special interest of the Church as a designated heritage asset is drawn, in-part, from its surviving cruciform plan form, its stone-led palette of traditional building materials, its wide array of ornate architectural features, and its role and function as an important visual and social landmark. This significance and special interest is further underpinned by links to William Shakespeare, who was baptised and is buried at the Church, as well as from the verdant spaciousness of its immediate surroundings. The appeal site, owing to its proximity, comprises a part of the Church's setting.

The heritage effects of the proposal

7. The design, scale and external finishes of the proposed extensions would be sympathetic to those of the existing building on site. The extensions would also be setback from the highway and have a relatively discreet presence in the streetscene. However, the proposal is not solely centred upon extensions and other minor alterations to the existing building. Moreover, changes to the boundary wall are intended for the purposes of providing vehicular access and an expansive area of hardstanding for parking would be added to the front portion of the site. The establishment of this parking area would necessitate the removal of some existing planting.
8. It has been asserted that the alterations planned to the boundary wall would reduce the visual extent of the opening to the site. However, I do not accept this to be the case. The loss of the brick-built returns that exist currently would enable views into the site to be more easily obtained, including from a range of different locations along Trinity Close and from the churchyard. This is an important factor, particularly given the likeliness of available views being influenced by new hardstanding and associated parked vehicles (as well as by the appeal building). It must be noted that future hedgerow planting could not be relied upon to provide permanent or substantial buffers to views. This is not

least because planting would initially take time to properly establish and is ever evolving and reliant on regular maintenance to retain a consistent form.

9. I acknowledge the existence of open frontages to either side of the site. However, the tarmac that characterises the settings of adjacent buildings is highlighted as an area of concern in the Conservation Area Review (July 1992). Moreover, the open frontages do not contribute positively to either the CA or the setting of the Church, and instead emphasise the value offered by the boundary wall in providing a built edge predominated by historic and traditional materials and softened by established planting situated beyond.
10. It is highlighted within the submitted Arboricultural Report (January 2021) that, based on a parking layout that has since evolved, the proposal would impact upon most of the trees within the site and that the retention of certain specified trees could prove impractical alongside the implementation of new hardstanding. Whilst the site layout¹ for determination indicates the intended retention of the majority of the trees on-site, the new vehicular access/parking area/footways would be located under the canopies and deep within the calculated root protection areas of various trees earmarked for retention. This includes two prominent conifers positioned at the front of the site. To my mind, in the absence of detailed or persuasive evidence to the contrary, the proposal would be likely to prejudice the future health of existing trees and thus erode the site's verdant qualities. I do not consider that a method statement, or similar, could be suitably conditioned for approval after any potential grant of planning permission. This is because of the distinct threat posed to the existing trees intended to be retained and the high sensitivity that avails in this location.
11. In summary, the scheme would introduce an intensified form of development to the site exemplified by the introduction of an expansive area of hardstanding. Alterations to the boundary wall would promote visibility of modern development to the detriment of the CA's character and appearance and the setting of the Church. Further, in the absence of clear and convincing evidence to the contrary, and notwithstanding the intention to implement new soft landscaping, the proposal would be likely to lead to the demise of established planting which would diminish the CA's well-planted character.
12. It is also a matter of concern that proposed plans² indicate changes to the alignment of the boundary wall in locations either side of the access point. Indeed, whilst the separate introduction of a new pedestrian gate would be anticipated to have a minor effect, it has not been clearly demonstrated that valuable historic fabric (including blue lias stone) would not be lost or adversely impacted upon through planned reconfigurations of the boundary wall, which would be to the further detriment of both the Church's setting and the character and appearance of the CA. The appellant's reference to early drawings and engravings of the site illustrating a large opening to its frontage does not substantiate an alternative finding.
13. For the above reasons, the proposal would fail to preserve the character or appearance of the CA and thus cause harm to its heritage significance. The proposal would also fail to preserve the setting and special interest of the Church, causing harm to its significance as a designated heritage asset.

¹ 1519-0500-07

² 1519-0500-07 & 1510-0503-03

14. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to the CA and the Church as designated heritage assets would, in each case, be less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall turn to in my Heritage and Planning Balance below.

Highway safety – parking

15. The site does not provide any off-street parking for the seven one-bedroom units that exist currently. It is proposed that eight on-site spaces be laid out to serve the four one-bedroom units and four two-bedroom units that would avail post-development. The application of the Council's relevant parking standards generates a requirement for twelve spaces and two unallocated visitor spaces. However, it is reasonable and appropriate to factor in the current under-provision that applies at this site. This equates to a total of seven spaces and one visitor space. Thus, the eight parking spaces intended would satisfactorily cater for the additional parking demand to be realistically generated by the proposal. Indeed, a lesser shortfall when compared to current circumstances would result.
16. For the above reasons, having particular regard to intended parking arrangements, the proposal would not prejudice highway safety. The scheme accords with Policies CS9 and CS26 of the Stratford-on-Avon District Core Strategy 2011-2031 (the Core Strategy) (adopted July 2016), Policies H5 and BE5 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031 (the NDP), and the Development Requirements Supplementary Planning Document (April 2019) (the SPD) in so far as these policies and guidance guard against unacceptable transport impacts and promote satisfactory arrangements for access and parking.

Living conditions

17. The SPD sets out the expected minimum sizes of private gardens serving different sizes of dwellings, to be located to either the rear or side of any property. There is no requirement for private gardens to be provided for one-bedroom dwellings, but a minimum 40 square metre standard applies to two-bedroom properties. There are currently seven one-bedroom units at the site, with no private external space formally allocated to any property. As set out above, the proposal involves the introduction of an additional dwelling and internal re-configurations to provide a total of four two-bedroom units and four one-bedroom units at the site.
18. It has been asserted by the appellant that a total of 188 square metres of amenity space would be provided for the four two-bedroom dwellings, which equates to per-unit provision above the relevant 40 square metre threshold. Having considered the submitted plans and undertaken a full inspection of the site's external areas, I find that it would be possible to establish a satisfactory private garden space to the rear/side of each two-bedroom unit proposed. It is also relevant that the site, taken as a whole, is well-enclosed and would continue to offer external spaces often accessible on a shared basis.
19. For the above reasons, having particular regard to the availability of private garden space, satisfactory living conditions for future occupiers of the proposed development would be provided. The scheme accords with Policy CS9 of the

Core Strategy and with the SPD in so far as this policy and guidance requires that proposals ensure a good standard of space and amenity for occupiers.

Other Matters

20. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon neighbouring living conditions. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Heritage and Planning Balance

21. I have identified above that the scheme would cause less than substantial harm to the significance of the Church and fail to preserve its setting and special historic interest, contrary to the expectations of Section 66(1) of the Act. The scheme would also fail to preserve the character or appearance of the CA and lead to less than substantial harm being caused to its significance, contrary to Section 72(1) of the Act. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
22. In terms of public benefits, the proposal would deliver an additional unit of housing in a central location and offer on-site enhancements to the existing housing stock through, for example, the provision of additional bedrooms, internal/external modernisations, and sustainability measures. Whilst the Framework sets out the Government's objectives of significantly boosting the supply of homes and making an effective use of land, the addition of merely one unit would not make a noticeable difference to the housing supply situation in the District. The benefits to be drawn from the delivery of one additional dwelling in conjunction with upgrades to the existing housing stock attract moderate weight.
23. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the modest quantum of development under consideration.
24. Whilst any future archaeological survey of the site necessitated by the proposal could lead to enhanced understanding of a former college that once stood at and/or in immediate proximity to the site, I attach limited weight to any possible benefit of the scheme in this sense given the somewhat restricted nature of the opportunities that would likely avail to undertake below ground investigations.
25. The proposal would be realistically anticipated to reduce on-street parking demand, but only to a limited degree. Any possible scheme benefit in this context attracts minimal weight. The provision of vehicular access would enhance accessibility of the site by emergency vehicles. However, the existing building is not set back a long distance from the highway such that any improvement to be obtained would be minor and attractive of limited weight.
26. Any possible net-gain in biodiversity to be achieved by, for example, new native planting would be limited and attractive of commensurate weight in the planning balance. This is particularly as the proposal involves the removal of some established planting.

27. The benefits associated with the scheme would be relatively modest in cumulative terms. This leads me to conclude that, in the circumstances of this case, the public benefits would not outweigh the less than substantial harm that I have identified would be caused to the Church. The scheme's benefits would also not outweigh the harm that I have separately identified would be caused to the significance of the CA.
28. The proposal conflicts with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policies CS5, CS8, CS9, CS20 and AS1 of the Core Strategy and Policies H5, BE1, BE2, BE5, BE6, BE8 and NE3 of the NDP in so far as these policies require that proposals have regard to local distinctiveness, that priority is given to protecting and enhancing the wide range of historic and cultural assets that contribute to the character and identity of the District, and that all new development will be encouraged to protect all trees and hedges where appropriate.
29. Moreover, the proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

30. Whilst I have identified no harm in the contexts of highway safety and the living conditions of future occupiers of the development, I have identified harm to the heritage significance of both the CA and the Church. These harms are the overriding considerations in this case. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR