



Appeal Decision

Site visit made on 14 February 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2023

Appeal Ref: APP/J3720/W/22/3303575

Hylands House, Warwick Road, Stratford-Upon-Avon, CV37 6YW

- 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 Hylands House Care against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00640/FUL, dated 24 February 2022, was refused by notice dated 5 May 2022.
 - The development proposed is described as 'a proposed second floor extension to create 4no bedrooms, all with en-suites.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the changes shown on some amended plans submitted with the appeal are not individually extensive, taken together they do represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I have some concerns therefore that accepting the amended plans would result in some prejudice to third parties wishing to comment. Having regard to the procedure guide¹, planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. I have not therefore taken the amended plans into account in making my decision.

Main Issue

3. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Stratford-Upon-Avon Conservation Area (CA).

Reasons

4. The significance of the CA is derived from the medieval core of the town, later 19th century planned development and open spaces along the river. The CA has been subdivided into a number of character areas with the appeal site being in Area F. This area is characterised by more modern 19th century residential development but retains period characterful buildings, such as the regency era Grosvenor Hotel, a Grade II listed building opposite the appeal site, and No 11 Warwick Road a traditional brick-built dwelling.

¹ The Planning Inspectorate Procedural Guide – Planning Appeals – England (December 2022)

5. Warwick Road itself is characterised by two and three-storey buildings, mainly residential in use. There is much variation in the design of buildings which have been developed over time, albeit there is a general consistency in red brick or render. Traditional buildings are located on the western side of the road, set back from the highway behind brick walls. The area is dominated by Warwick Road, a busy two-lane road which runs along the appeal site frontage. To the rear of the site is a surface and multi storey car park.
6. The appeal building is a detached three-storey building under a hipped roof finished in white render. A central section of the roof projects above the ridgeline. To the rear the building has been extended with two-storey and single-storey additions, the height of these ensures they are subservient to the host building. A garden/patio area is also provided along with a car park. The materials and hipped roof are consistent with the nearby buildings. Whilst unsympathetic modern development is located near to the appeal site, these design elements along with the immediately adjoining dwellings and Grosvenor Hotel opposite, make for a visually appealing group which, individually and together, make a positive contribution to the street scene and thus the significance of the CA.
7. The proposed development would involve the construction of a third storey to the rear of the appeal building. This would also increase the ridgeline fronting on to the highway. The proposed development would be clearly visible from the street and from areas within the surface and multi-storey car parks to the rear of the site. The height and bulk of the proposed extension, combined with the increase in ridgeline of the main building would create a dominant feature. Within this context, the proposed development would be an unsympathetic and non subservient addition. This would erode the quality of the host building and the aforementioned group. Consequently, the appeal scheme would fail to either preserve or enhance the character or appearance of the CA.
8. The existing extensions to the appeal building are not entirely sympathetic thereto. They are however subservient and somewhat screened by boundary vegetation. As such, and taking the above into account, the proposed development to be more harmful than the existing.
9. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial within the meaning of paragraph 202 of the National Planning Policy Framework (the Framework). In weighing the public benefits of the proposal, the appellant has suggested that the proposal is a high-quality development that would improve the existing building and would provide additional care home rooms. I have already found harm regarding the design of the proposed development, and there is no evidence before me to suggest that the current use of the building would not continue should the appeal be dismissed. With regards to the additional care home rooms, I have not been provided with any evidence to suggest that there is an undersupply of such accommodation in the area. As such, the public benefits of the scheme are of no more than limited weight. Such that they would be unable to outweigh the harm I have found.
10. The proposal would therefore conflict with Policies CS8, CS9 and CS13 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (2016) (CS) and Policies BE2, BE5 and BE8 of the Stratford-upon-Avon Neighbourhood Development Plan (2018) which seek, amongst other things, to ensure that development

protect and enhance the inherent value of the historic environment and reflect the character and distinctiveness of the locality. The appeal scheme would also be contrary to paragraph 199 of the Framework which seeks to protect heritage assets.

Other Matters

11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Grosvenor Hotel, a Grade II listed building, is located opposite the appeal site. Neither party have raised this as a concern during the appeal. Based on the scale and location of the proposal and the evidence before me, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the listed buildings.

Conclusion

12. The proposal would be contrary to the development plan as a whole and there are no other material considerations, including the approach of the Framework, which outweigh this finding. I therefore conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR