



Appeal Decision

Site visit made on 21 March 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/J3720/W/22/3311067

Rosslyn, Binton Road, Welford On Avon, Warwickshire CV37 8PP

- 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 Mary Vergette of Emma Vergette Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/02304/FUL, dated 29 July 2022, was refused by notice dated 20 October 2022.
 - The development proposed is the construction of a new 2 bedroom bungalow on land at rear of Rosslyn, with new garage and extended access driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The immediate area around the appeal site is characterised by large detached and semi-detached houses set along Binton Road, and minor roads and driveways, off Binton Road. Although the set-back from the roads is varied, all the houses face the roads and driveways which they are accessed off. This layout of the houses sets the grain of the area and creates attractive and continuous streetscapes, contributing positively to the character of the area.
4. The appellant has drawn my attention to Hawthorn House; the houses built off Church Bank; and the Millfield Development built off Two Acre Lane; all of which I viewed at my visit. Hawthorn House is built off a separate driveway to any other property, including the donor property. However, it fronts Church Bank, is contiguous with the other houses along Church Bank and is read as part of the Church Bank street scene. The houses on Church Bank are built at 90 degrees to Binton Road and face Church Bank.
5. The Millfield Development is built as a group of four houses off an existing road, built back-to-back with the properties on Binton Road. Church Bank and Millfield Developments have created two separate streetscapes and clusters of houses which form part of the character of the area, but do not inform the primary road frontage of Binton Road. These surrounding developments are functionally and physically separate from the appeal site.
6. The appeal proposal is for one dwelling served off a narrow driveway, which would also continue to serve the existing dwelling. The proposed new dwelling

would face the rear of the existing dwelling with a new garage sited between the two buildings. The new driveway would continue up the side of the proposed dwelling. As such the proposal would not front a road or a driveway and is therefore different to the existing layout of the houses in the immediate area. Its separation from the nearby development fronting Church Bank and Two Acre Lane means it would appear as a dwelling isolated from a streetscape. The proposal would, therefore, not integrate well with its context.

7. Although the gardens for the proposal and the existing dwelling would back onto each other, the proposal has been designed to face the donor property rather than sitting back-to-back or side to back. As such this layout is also different to the context of the immediate surrounding built form, in particular in respect of the Millfield Development. Moreover, in order to minimise the number of trees to be removed and the effect on neighbouring properties; and to maximise solar gain and garden aspect; the proposal is set further back from Binton Road than either the Millfield Development or Hawthorn House.
8. I acknowledge that the development is not near any important views or designated areas. Furthermore, it is a contemporary single-storey and flat roofed dwelling, which would not be visually prominent, and would be lower in height than the surrounding two-storey dwellings. However, these matters are neutral and do not outweigh the detrimental effect of the proposed single, isolated, dwelling on the surrounding area. The appeal proposal is, therefore, not a suitable site for the form of back-land development.
9. The alterations proposed to the existing access, the demolition of the garage and creation of a driveway between the donor property and the neighbouring property, have already been approved as householder alterations to the donor property. However, the works have not been carried out and as such the changes, albeit approved, are not already in existence. Furthermore, the use of the driveway in association with the donor property would have limited effect on the character of the area and the occupants of the donor property could use the whole of the driveway and the new garage for parking and manoeuvring.
10. The separation of part of the access and driveway for a new dwelling would result in the vehicle movements for the donor property being restricted to the frontage. The submitted plan show there would be limited space for manoeuvring once two cars are on the driveway. This reduced area, and the need to keep the driveway to the new dwelling clear, would be visually obvious from the road frontage. It would result in the appearance of a second driveway immediately adjacent to the driveway to the donor property. Although there are other separate driveways to houses in the area, such as Hawthorn House; and some of the driveways to other houses along Binton Road are wider than one car width, they all serve one dwelling. The exception is where several houses are served off roads such as Two Acre and Church Bank and as such these set a different context. As such, although the driveway is off a main route serving the settlement, the proposal is out of character with other driveways along Binton Road.
11. As a two-bed bungalow the proposal would have vehicle movements associated with the occupants, visitors and deliveries. These would be added to the movements currently associated with the donor property. The increase vehicle movements would be perceptible to other users of Binton Road and neighbouring residents which, along with the need to keep the new driveway

clear of parked vehicles, would be visually harmful to the context and character of the street scene.

12. For the reasons given above I, therefore, find that the proposed new dwelling, and the creation of the separate driveway, would harm the character and appearance of the area contrary to Policies CS5 and CS9 of the Stratford-on-Avon District Council Core Strategy, 2011-2031 (CS), which, taken together, seek to ensure that development takes place in a manner that minimises and mitigates its effect, has regard to and respects local and historic character, and is sensitive to the layout and orientation of existing built form.
13. The development would also be contrary to Policy HLU2 of the Welford-on-Avon Neighbourhood Development Plan, Made 2017, which encourages high levels of design quality and for development to reflect the character and vernacular of the area, through respecting building lines and plot widths, density, footprint and scale of the immediate vicinity.
14. Moreover, the Stratford on Avon District Council Development Requirements SPD (SPD) advises that new development should take account of the grain that surrounds it, without necessarily trying to replicate it. The proposal would not replicate the existing grain; however, it also would not integrate with the existing movement networks or create an attractive and continuous streetscape. Nor would it knit in visually and functionally with the existing development which is also recommended by the SPD. The proposal is therefore also contrary to the SPD in this regard.

Other Matters

15. The appellant has drawn my attention to a number of other developments within Welford on Avon which, they contend, provide other examples of back-land type development. Several of the examples provided are for larger scale developments, of two or more dwellings, served off new roads and where the resultant development forms building lines that face the new roads. As such these examples are not comparable to the appeal proposal for a single dwelling off a narrow driveway.
16. The two examples within the conservation area are surrounded by housing on all sides within an area where the housing layout, and house types, are less formalised than around the appeal site. Other examples were provided in the Design and Access Statement but with limited detail to show how they are comparable to the appeal proposal. Even if I were to accept that these are single dwellings built off narrow driveways and set behind other houses, I have not been made aware of any that are directly comparable to the appeal proposal before me, in terms of their context. As such, none of the examples given alter my decision on the main issue. Moreover, I have dealt with the current appeal on the basis of the evidence before me.
17. That there is no dispute between the main parties with regard to the effect on the living conditions of neighbouring dwellings, including from the proposed new driveway; highway safety issues; heritage impact; and flood risk impact are neutral. That the effect on trees and biodiversity can be managed by suitably worded conditions is also neutral and such benefits would not be significant enough to alter or outweigh my conclusions on the main issue.

18. The development would provide one additional, energy efficient, single storey dwelling. It would also provide associated social and economic benefits both during and post construction in a location which is close to services and facilities. However, given the small scale of the development these benefits are limited.
19. The development also contributes to boosting housing supply and provides for the locally identified need for bungalows. However, both main parties agree that the Council can demonstrate more than a five-year housing land supply. Although this is not a minimum figure, paragraph 11(d) of the National Planning Policy Framework and the presumption in favour of sustainable development is not engaged.

Conclusion

20. For the reasons given above I have found that the proposal would be contrary to the development plan as a whole, including the NP, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR