



Appeal Decision

Site visit made on 6 June 2023

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/J3720/D/23/3316433

**Bear Yard Cottage, The Green, Long Marston, Stratford-upon-Avon
CV37 8RJ**

- 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 Mark Wilkes against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/01345/FUL, dated 27 May 2022, was refused by notice dated 11 January 2023.
 - The development proposed is demolition of existing prefabricated concrete 2 bay garage and erection of a new brick built 3 bay garage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing prefabricated concrete 2 bay garage and erection of a new brick built 3 bay garage at Bear Yard Cottage, The Green, Stratford-upon-Avon CV37 8RJ in accordance with the terms of the application, Ref 22/01345/FUL, dated 27 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 02; Drawing No 03C Rev C; Drawing 04C Rev C.
 - 3) The external materials, including roof, walls, doors and rainwater goods shall match those specified on the submitted plans.

Preliminary Matters

2. I have amended the description of development in the header and formal decision above to remove superfluous descriptive elements.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including the settings of nearby listed buildings.

Reasons

4. The appeal site is in the grounds of Bear Yard Cottage off a private drive which itself is located at the end of The Green. This short road provides access to a small number of properties. The existing garage sits on the opposite side of the driveway to the main cottage, adjacent to a larger brick building associated

with Brick Yard Farm on one side and an area of grass with a small number of trees on the other.

5. The appeal site lies in the setting of 2 listed buildings; Lyndon Cottage and Rosemary Cottage. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is consistent with paragraph 199 of the National Planning Policy Framework (the Framework) which requires great weight to be given to the conservation of designated heritage assets.
6. The existing garage is domestic in scale and while the materials are not in-keeping with those of nearby buildings, it has a fairly neutral impact on the character of the area. The development would be discernibly larger than the existing building, both in terms of footprint and height. An increase in size does not necessarily equate to harm. While there may be some encroachment into the grassed area, the building would still sit comfortably within the overall plot and would not appear unduly cramped or imposing. It would also still appear subordinate, both to the host cottage and the adjacent building.
7. The scale of building would clearly be large for a domestic garage. However, I do not consider that it would appear industrial in nature. This is largely due to the proposed materials, which would be more in-keeping with nearby buildings than those of the existing garage. The use of brick, tile and timber doors would help to ensure the building would better assimilate into its surroundings. In any event, the site itself is relatively self-enclosed and secluded. The garage would not be visible from the main road and so would mainly be seen in private views of neighbours and visitors. Therefore, while larger than what it would replace, it would not be a prominent or intrusive building in the street scene.
8. Lyndon Cottage is a Grade II listed building which sits to the north of the site. This is a 17th century timber framed and thatched dwelling. The significance of the building lies in its age and architectural style. From the access and within the site, both the garage and Lyndon Cottage would be seen in context. However, even with the increase in size, it is unlikely that the development would detract from what views are available or how the building would be appreciated. The additional scale would not be overbearing in relation to the cottage and the architectural quality and distinctiveness of Lyndon Cottage would still be apparent. I therefore consider that the development would have a neutral impact on the setting of this listed building.
9. Rosemary Cottage is also a Grade II listed building that is connected to Bear Yard Cottage well to the south of the site. Again, this building has its origins in the 17th Century and thus is significant due to its age and architecture. The physical separation of the buildings and their relative positions means there would be limited scope to see the two buildings in context. There is also nothing before me to suggest the plot of land in question has any particular historic or functional connection with the building. As such, the significance of the listed building or how it would be appreciated would not be affected by the development. Accordingly, the development would also have a neutral impact on the setting of this building.
10. I therefore find that the development would not result in unacceptable harm to the character and appearance of the area. It would also preserve the setting of

the nearby listed buildings. There would be no conflict with Stratford-Upon-Avon Core Strategy (2016) policies CS.8, CS.9 or CS.20. Amongst other things, these seek to protect designated heritage assets, achieve high quality design and ensure outbuildings are of an appropriate scale and remain subservient to the host property. Given I have found no harm in relation to the effect on heritage assets, there is no need to consider the public benefits of development. There would therefore be no conflict with paragraphs 197-202 of the Framework.

Other Matters

11. Concerns have been raised by interested parties relating to land ownership issues. This is a matter for the appellant and other relevant parties and is outside the scope of the appeal. It therefore has no bearing on my decision. It has also been suggested that the roof angle would not be sufficient to use clay tiles. However, subject to the conditions set out above, any development would have to adhere to the submitted plans. As such, any alteration in either materials or design would need approval by the Council. This does not lead me to alter my decision.
12. I therefore find that the development would be consistent with the development plan as a whole and there are no material considerations that would lead me to a different conclusion.

Conditions

13. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition requiring the materials used to be as set out on the submitted plans. This is in the interests of certainty and the character and appearance of the area.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR