



Appeal Decision

Site visit made on 27 June 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/J3720/W/23/3315427

15 Manor Green, Stratford-upon-Avon, Warwickshire CV37 7ES

- 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 Shaun Wolstenholme against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/02365/FUL, dated 3 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is demolition of existing house and garage and construction of two new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an Energy Performance Certificate for the existing dwelling, which the Council says was not before it when making its decision. However, the Council and others have been able to comment on this, and I consider that no party would be prejudiced by my taking this information into account.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of 13 and 17 Manor Green (No 13 and No 17) regarding outlook, and light to No 17, and
 - whether it is necessary to demonstrate that the existing dwelling is unsuitable for retention, in the interests of environmental sustainability.

Reasons

Character and Appearance

4. The area around the appeal site consists primarily of detached dwellings, set back from the road edge within wide frontages, following a broadly common building line. These give the area a pleasant, low-density appearance. The appeal site is a detached two-storey dwelling. Its angled siting reflects the building line as the road turns the corner.

5. The proposal seeks to demolish the existing dwelling and replace it with two. These dwellings would be set back into the site, behind a hard surfaced parking area. This positioning gives it more space than a previous proposal and the dwellings would have an overall plot size that is comparable to others locally. Each property would have a large rear garden.
6. However, the frontage position of the proposed dwellings would be deeper into the site than the existing dwelling and the properties either side of it, Nos 13 and 17. There are some exceptions to the broad building line, in particular at 7 Manor Green (No 7). This is also a corner plot and is set back further from its neighbour than the proposal. The Stratford Upon Avon District Design Guide, dated April 2001, recognises that the arrangement of buildings can be varied on plots at the vertex of a corner.
7. Even so, across the frontage of both proposed dwellings, the length of the deep setback would be greater than at No 7. Furthermore, the proposal would be positioned behind the front building line of both its neighbours, whereas No 7 is only set back from one, 9 Manor Green. As a result, the impact of the deep position of the proposal and its lack of compliance with the building line would be more significant. As such, it would appear harmfully out of place in the street scene and its pattern of development.
8. Hard surfacing within the frontage of properties in the area is not uncommon. Most have individual driveways with one or two accesses. Other than a separate flat within 5 Manor Green, there are few if any examples of shared driveways in the road. In contrast, by serving two dwellings, the proposal would have a more intensively used driveway than currently exists. Its frontage width would also be largely filled with parking areas compared to the existing single driveway and front garden. As such, the driveway arrangements would add to the incongruous appearance of the proposal.
9. Although generally suburban, dwellings in Manor Green have a variety of designs and forms, including single, 1.5 and two-storey properties, with a diverse palette of external facing materials. Although the Council has raised concerns about the monochrome appearance of the materials, these could be varied by planning condition, if necessary. The proposal would have a contemporary design using front gables which are not unusual hereabouts.
10. However, House Type A, on Plot 1, would have a tall gable and steeply pitched roof. This would result in a large mass of unrelieved walling above its front windows. The resulting appearance would be somewhat stark and would do little to reflect the design features of other dwellings nearby. Consequently, it would also appear harmfully out of place.
11. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would be contrary to policy CS.9 of the Stratford-on-Avon Core Strategy (SACS), adopted July 2016, which requires that proposals reflect and enhance the character and distinctiveness of the locality, including the layout and design of existing built form.
12. The proposal would also conflict with Policy H5 of the Stratford-upon-Avon Neighbourhood Plan (NP), made December 2017, which only supports proposals within gardens where they preserve the character of the area, as well as conflicting with the similar requirements of NP Policy BE2 and BE5. For the same reasons, the proposal would not meet the aim of the National Planning

Policy Framework (the Framework), for development that is visually attractive and sympathetic to its surroundings.

Living Conditions

13. The site has undulating ground levels. The slope of the land from the road means that the proposed dwellings would be somewhat below the existing dwellings at No 13 and No 17. On proposed Plot 1, House Type A would be positioned partially on the footprint of the existing dwelling but would extend further towards the rear of the site.
14. No 15 shares a common boundary with No 13, which has noticeably lower ground levels within some parts of its garden close to the boundary. The side elevation of House Type A would have a large expanse of built form close to the shared side boundary. When viewed from the rear windows of No 13 and from its garden, including its lower-level area, the close proximity and large mass of the side elevation of Plot 1 would have a harmfully dominating impact on the occupiers of No 13.
15. House Type B, on Plot 2, would also extend deep into the site. Its length and two-storey height would result in its side elevation having a large size and mass. No 17 has similar ground levels to the proposal and does not directly adjoin the boundary with No 15, because of an intervening pathway leading to an electricity sub-station. Even so, the proposal would extend well beyond the rear elevation of No 17, including its conservatory. Given the appreciable mass of the proposal, it would appear harmfully overbearing when viewed from No 17 and its rear garden.
16. The proposal would not breach a 45-degree line taken from the closest rear window of No 17, and the existing vegetation no doubt affects light to its garden. Nevertheless, the tall height and size of the proposal means that it would be likely to materially reduce the light available to the garden at No 17, including sunlight towards the end of each day.
17. There are tall trees, thick hedges and fences on the side boundaries of No 13 and No 17, which would screen the effects of the proposal to some extent. However, such screening cannot be relied upon, particularly in winter months when foliage is reduced, and nor can survival of the trees and hedges be guaranteed in the long term. Even with landscaping, the proposal would result in the harmful effects that I have identified.
18. For these reasons, the proposal would harm the living conditions of the occupiers of No 13 and No 17 with regard to outlook, and light to No 17. As such, it would be contrary to SACS policy CS.9, which requires that neighbouring occupiers will be protected from loss of daylight and adverse surroundings. It would also conflict with the similar requirements of NP policies H5 and BE6.

Environmental Sustainability

19. Part C of SACS Policy CS.20 refers to the renovation or replacement of existing dwellings. The existing house currently has a poor energy rating, but it is possible that it could be upgraded to improve its environmental credentials. Although the maximum rating achievable for the existing dwelling may be less than for a new build, this may not reflect the full environmental costs of replacement, such as from the manufacture and transportation of materials.

20. However, the wording of Policy CS.20 does not require the appellant to demonstrate that the proposal is more environmentally sustainable than renovation of the existing property. It simply states that renovation is 'often' a more sustainable and environmentally friendly approach than replacement.
21. The policy makes certain requirements where an existing dwelling is not considered suitable for retention (for example in respect of siting and size), but it does not identify that it is the Council who should make this choice, or on what basis. Moreover, the supporting text to the policy makes clear that the replacement of a dwelling can, amongst other things, realise the potential of such properties and help to meet changing needs. It also states that these are aspirations which the Council supports. I see no reason to doubt that these factors apply to the proposal.
22. Therefore, regardless of any possible potential fallback using 'permitted development' rights, it is not necessary to demonstrate whether the existing dwelling is unsuitable for retention, in the interests of environmental sustainability. I therefore find no conflict with SACS Policy CS.20 in this respect.

Other Matters

23. The proposal would result in an efficient use of land, on a site that could be delivered quickly. Future occupiers of the proposal would make a positive social and economic contribution to the area, as would its construction economically. However, due to the proposal being for only two dwellings, and a net gain of only one, these benefits would be modest and so I give them limited positive weight.

Planning Balance and Conclusion

24. I have found for the appellant in respect of environmental sustainability. However, this does not overcome the harm I have identified in other respects and the proposal would conflict with the Development Plan, read as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR