



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: 13 July 2023

Appeal Ref: APP/J3720/W/22/3303416

10 St Michaels Road, Claverdon, CV35 8NT

- 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 Housestyle Countrywide Ltd (Mr Brian Lewis) against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/02445/FUL, dated 27 July 2021, was refused by notice dated 19 May 2022.
 - The development proposed is the demolition of single storey extension to no. 10 and construction of new access drive with the erection of 5 single storey dwellings with associated parking and turning facilities.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey extension to no. 10 to facilitate construction of new access drive with the erection of 5 single storey dwellings with associated parking and turning facilities at 10 St Michaels Road, Claverdon, CV35 8NT in accordance with the terms of the application, Ref 21/02445/FUL, dated 27 July 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted amended plans with the appeal. Briefly, they comprise additional parking and the retention of trees. This is partially in response to the Council's reasons for refusal. The changes are not extensive, and the Council and third parties have had the opportunity to comment on the during the course of the appeal. I have therefore accepted the amended plans as doing so would not result in any prejudice to third parties wishing to comment.

Main Issues

3. The main issues are a) whether the proposed development would be inappropriate development in the Green Belt and the effect of the proposed development on b) the character and appearance of the area; c) protected trees; and d) highway safety.

Reasons

Inappropriate Development

4. Claverdon is washed over by the Green Belt. Paragraph 147 of the National Planning Policy Framework (the Framework) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 goes on to say

that the construction of new buildings should be regarded as inappropriate development in the Green Belt. The closed list of exceptions to this general presumption includes limited infilling in villages.

5. Criterion e. of Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (2016) (CS) regards limited infilling in Local Service Villages as an exception to inappropriate development in the Green Belt. Claverdon is identified as a Local Service Village in CS Policy CS.15.
6. The appeal site is a rectangular shaped parcel of land bound by residential development on all sides. There seems little doubt therefore that the appeal site is within the village. Adjoining development to the northeast and southwest have long narrow plots. However, the proposed dwellings heights, plots depths and widths are comparable to nearby existing development at No's 4, 6 and 8 St Michael's Road. Additionally, adjoining development at St Michaels Close is of a much higher density with narrower and shallower plots than that proposed. As a proposal for five residential dwellings amongst and surrounded by residential development with a variety of density and plot sizes, I would be content in defining the appeal scheme as being infill development that is limited.
7. The proposed development would not therefore be inappropriate development in the Green Belt. It would subsequently comply with the Framework in that regard. It would also comply with CS Policy CS.10 and Policy H1 of the Claverdon Neighbourhood Plan (2019) (NP) which allow for limited infilling in Local Service Villages.
8. Case law¹ has established that, if development is found to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes for including land in the Green Belt. Therefore, there is no need for me to consider the effect of the proposal on openness.

Character and Appearance

9. The appeal site lies behind residential properties that front St Michael's Road, St Michael's Close, Park Drive and Langley Road. The site forms an undeveloped enclave that is enclosed on all four sides by housing. It would be accessed via a driveway between No's 8 and 10 St Michael's Road. The wider area comprises a mix in density, albeit dwellings are largely detached housing, of a variety of designs. Surrounding development mostly follows established building lines and generally have a presence within the street scene. However, recent development adjoining the site has seen the construction of two bungalows to the rear of No's 6 and 8 St Michael's Road. There are also other examples of dwellings without a street frontage in the surrounding area. The appeal site is also located within the Arden Special Landscape Area (SLA).
10. As the land is surrounded by houses with mature boundary planting and trees, the appeal site is not easily visible from many public viewpoints. The relative lack of mature planting within the land means there is generally no appreciation of the space behind the buildings when viewed from the surrounding area. It is, therefore, only readily evident when seen in glimpses through small gaps between dwellings. Whilst the space behind the buildings can be appreciated from here, the somewhat vacant condition of the appeal

¹ Lee Valley Regional Park Authority v Epping Forest District Council [2015] EWHC 1471 (Admin)

site, means it has a neutral impact on the character and appearance of the area.

11. The proposed dwellings would be single storey, with two storey dwellings adjoining the site on three sides, and single storey dwellings adjoining the fourth. It would therefore not appear prominent in views from the surrounding area. In glimpses of the proposed development from nearby streets it would largely appear against the backdrop of taller buildings. Whilst there is a variety of designs of dwellings, the design of the proposed development would echo the bungalows located on St Michael's Road and those newly developed to the rear of No's 6 and 8.
12. Whilst the plots sizes are smaller than those immediately adjoining the site to the north and south, they would be comparable to nearby plots and No's 6 and 8 and a larger than those adjoining the site at St Michael's Close. Additionally, the proposed dwellings would be detached, with small gaps between, and sufficient private amenity space would be provided for each dwelling. As such the proposed development would not appear cramped.
13. With regards to the proposed access, this would be located adjacent to the existing access to the new dwellings to the rear of No 8. Both the existing and proposed access would be a single lane in width, thus appearing as a two-lane access when driving along St Michael's Road. Two lane accesses from St Michael's Road are not uncommon, with the access to Glebe Road being located in close proximity to the appeal site. A further wide access is provided to an area of garaging adjacent to No 20 St Michaels Close. As such, the entrance to the site would appear as a two-lane access in keeping with the surrounding area.
14. The proposed development would not therefore have a harmful impact on the character and appearance of the area or the wider SLA. In terms of the latter specifically, this would be largely due to the secluded and built up nature of the site's surroundings. The appeal scheme would therefore would comply with CS Policies CS.5, CS.9, CS.12 and AS.10 and NP Policy H4 which seek, amongst other things, to ensure that developments reflect the character and distinctiveness of the locality and are not at odds with the existing settlement character or pattern. The proposal would also comply with paragraph 130 of the Framework which seeks good design sympathetic to local character.

Trees

15. A number of mature trees lie along the site boundaries, these are covered by a Group Tree Preservation Order (TPO). The appeal is supported by a Tree Survey Report. The Council have raised concerns with regard to the loss of two trees and the encroachment of the proposed development into the Root Protection Area's (RPAs) of some of the trees. An amended plan was submitted with the appeal which details the retention of the two trees.
16. In order to facilitate the development itself there would be construction works close to a number of trees on the site. Of particular concern to the Council are a Hawthorn and Ash (noted as T8 and T9 on the tree survey) where the encroachment into the RPA is up to 40% for the construction of a garage. The Council is also concerned regarding the incursion into the RPAs of other trees, (T3 and T7) by the proposed access road. The layout plan indicates that the proposed development would lie outside the other RPAs.

17. The submission details the use of semi-permeable and permeable load bearing materials for the access, mini piles and raft foundations for the proposed garage and temporary protection measures during construction. Whilst there would be encroachment into the RPAs the careful controls in terms of construction methods and protective measures, which could be secured by condition, would ensure that the trees are safeguarded. These measures would also ensure the longevity of the trees.
18. In terms of shading, the trees would shade the garden area of two of the plots, but the shading would not extend to the proposed dwellings, which would benefit from natural light. With regards to the three further plots, shading would only occur in the garden areas during part of the afternoon. This would lessen during summer months and the impact in winter would be reduced due to the lack of foliage on the trees. As such, the shading from the trees would not have a harmful impact on future occupiers of the proposed development and thus, in my view, lead to increased future pressure for their removal.
19. The appeal scheme would therefore accord with the relevant section of CS Policies CS.5 and CS.9 and NP Policies BE1 and NE5 which seek, amongst other things, to ensure that where proposals will have an impact on trees they incorporate measures to protect their contribution to landscape character and public amenity and would ensure a good standard of amenity for occupiers. The proposal also complies with paragraphs 130 and 131 of the Framework which seeks to ensure that there is a high standard of amenity and that existing trees are retained.

Highway Safety

20. Part O of the Stratford-on-Avon Development Requirements Supplementary Planning Document (2019) (SPD) provides parking standards for different types of development. It states that for a three-bedroom dwelling that two parking spaces be provided with 0.2 spaces allocated for visitors. As such, the proposed development would need to provide 11 spaces. The Council also advise that as storage sheds are provided the garages can be used as parking spaces. I have had regard to the comments made by the Highways Department who offer no objection.
21. It is clear from the submitted plans that sufficient space would be provided for the parking of a minimum of two vehicles per dwelling, excluding garaging. When garaging is included, the plans demonstrate that 16 vehicles could be parked at the proposed development. Additionally, a further visitor parking space has been provided along the access road. As such, based on the information provided, sufficient parking space would be provided to serve the proposed development.
22. With regards to plots 3 and 4, parking spaces are provided to the front of the proposed dwelling and to the front of the associated garaging. Additionally, the area in front of the parking would be utilised as a turning head. The associated garaging would be set considerably back from the road. Even if a vehicle were to slightly overhang the turning head there would be adequate space within the communal area for vehicles to manoeuvre. Consequently, there would be unlikely to be any conflict.
23. For the above reasons the proposal would not harm highway safety. The proposal would therefore comply with CS Policy CS.26 and the guidance

contained within the SPD which seek, amongst other things, to ensure that development does not create unacceptable transport impacts and they are appropriate for the standard of roads serving the area. The proposal would also comply with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

24. The appeal is supported by a Preliminary Ecological Appraisal which concluded that the appeal site was of low wildlife interest and the proposed development could be undertaken without harming any biodiversity interest or species. Whilst there would be a loss of open green space, the appellant has identified land adjacent to the site and within their ownership to be improved. Conditions securing a construction ecological management plan and biodiversity mitigation and enhancement would ensure that the impacts of the development on biodiversity are mitigated and the situation in this regard enhanced.
25. The appeal site is located in an area with medium sensitivity in respect of archaeological remains. A condition has been suggested regarding archaeological works and I am satisfied that this would safeguard historic interests. The appeal site also lies in between two Conservation Area's (CA) and some 130 metres from a Grade II* listed church. Due to the location of the proposal in the centre of existing built development, its single storey nature, the mature boundary landscaping and distance from these assets, it would have a neutral impact on the setting of the CA and listed buildings.
26. The appeal site is surrounded by residential development, due to the rear gardens of existing dwellings there would be a separation distance of approximately 48 metres. Part F of the SPD requires a separation distance of 21 metres in order to safeguard the living conditions of nearby occupants. The proposed separation distance would ensure that the privacy of neighbouring residents is safeguarded.

Conditions

27. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I have imposed the standard conditions specifying the timescale for the commencement of works and identified the approved plans.
28. Conditions regarding biodiversity, mitigation, enhancements, tree protection measures and landscaping are necessary in order to ensure that the biodiversity of the area and trees are safeguarded during construction and lifetime of the development. The condition regarding archaeology is necessary in order to safeguard historic interests. Surface and foul water drainage are necessary in order to ensure that adequate site drainage is provided. A condition regarding materials is necessary in order to safeguard the character and appearance of the area. Conditions relating to lighting and obscure glazing are required in order to ensure that the living conditions of nearby and future occupants are safeguarded. Conditions regarding highway improvements are necessary in order to ensure a safe access. Bin store, sustainable use of water and sustainability measures conditions are necessary. I have altered the wording of some conditions in order to ensure they comply with the PPG.

29. With regards to the Council's request for a condition requiring further details of finished levels including topographical information and sections through terracing, I note that the site is fairly flat, and the proposal is for single storey dwellings. As such, I see no reason that this condition should be included.

Conclusion

30. The appeal scheme would accord with the development plan and as such the appeal should be allowed, granting planning permission, subject to the conditions set out.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 100B, Proposed Site Plan 115A, Proposed Site Plan 156, Tree Removal Plan 156, Proposed Floor Plans & Elevations Plot 1 250C, Proposed Floor Plans & Elevations Plot 2 251C, Proposed Floor Plans & Elevations Plot 3 252F, Proposed Floor Plans & Elevations Plot 4 253F, Proposed Floor Plans & Elevations Plot 5 254C, DWG-05 Rev A, DWG-07, DWG-08, Proposed Elevations of No. 10 St Michaels Road 7781 207, and Existing and Ground Floor Plan of No. 10 St Michaels Road 7781 205.
- 3) Prior to commencement of any part of the development hereby permitted (including any demolition works) details of a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the demolition and/or construction period, the approved details within the CEMP shall be adhered to. The CEMP shall include and details of:
 - (a) means of access and routing plan for construction traffic;
 - (b) the parking of vehicles of site operatives and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access lane(s) serving the site which would cause obstruction to the free passage of other vehicular users of said lane(s);
 - (c) loading and unloading of plant and materials, including the times of such loading and unloading.
 - (d) the hours of demolition and/or construction (it is recommended that no works take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank or Public Holidays);
 - (e) the temporary site compound including temporary structures/buildings, fencing and storage provision to be used in connection with the construction of the development;
 - (f) the proposed storage of plant and materials used in constructing the development or stockpiling during development;
 - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (h) the siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use;
 - (i) measures to control the emission of dust, mud/dirt, noise, vibration and light during demolition and/or construction;
 - (j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- (k) details of any piling together with details of how any associated vibration will be monitored and controlled;
 - (l) the location and noise levels of site electricity generators;
 - (m) management of surface water run-off;
 - (n) details of external lighting required during construction; and
 - (o) contact telephone number(s) and email address(es) of the site manager(s) and/or other person(s) associated with the management of operations at the site.
- 4) Prior to commencement of any part of the development hereby permitted (including any demolition works), a specification and scheme (including methodology, programme/timetable of implementation and future management and maintenance) for the enhancement of the site for biodiversity and ecology through the provision of features including the retained grassland shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, completed and subsequently managed and maintained in accordance with the approved specification and scheme.
- 5) The development hereby permitted shall be carried out in strict accordance with section 4.2 and 4.3 of preliminary ecological appraisal version 01 dated 24th March 2020 by Cotswold Wildlife Surveys Limited.
- 6) Notwithstanding the submitted Tree Survey no demolition, site clearance or building operations of any type shall commence or equipment, machinery or materials brought onto site until an Arboricultural Method Statement in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 7) Prior to the commencement of any part of the development hereby permitted, full details of all service runs shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of all existing services above and below ground and the location of all proposed services (e.g., drainage, power, communications cables, pipelines etc.) including routes, supports etc. Such details shall be included on a plan which also illustrates the accurate location of trees to be retained on the development site. The development shall be carried out in accordance with the approved details.
- 8) Prior to occupation or use of any part of the development hereby permitted, a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:
- (a) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - (b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting; to include height details of the hedges to be maintained.

- (c) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- (d) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
- (e) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform (where appropriate);
- (f) the means of accommodating change in level (e.g., retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
- (g) location, type and materials to be used for hard surfacing (permeable) including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
- (h) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g., fences, walls, railings, hedge(banks)), where appropriate;
- (i) car parking layout and any other vehicular and pedestrian access and circulation areas;
- (j) a timetable for the implementation of the soft and hard landscaping scheme.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority. The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule, if within a period of five years from the date of the completion of the landscaping scheme, any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 9) Prior to the commencement of any part of the development hereby permitted, a programme of archaeological works shall be secured in accordance with a written scheme of investigation, including a timetable for the investigation, which has been first submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for the submission of the report is first approved in writing with the Local Planning Authority.

- 10) Prior to occupation or use of any part of the development hereby permitted a surface water drainage works scheme shall be implemented in accordance with details that have first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) Prior to occupation or use of any part of the development hereby permitted, details of works for the disposal of sewage shall be provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 12) Prior to any development above slab level, a schedule of materials and finishes (including samples and trade descriptions/brochure details where appropriate) of all of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and completed before the development is first occupied or used and thereafter shall be retained as such.
- 13) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the buildings), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details.
- 14) The access to the site for vehicles shall not be used unless the existing bell mouth has been altered according to plan 7781-155A and laid out and constructed within the public highway in accordance with the standard specification of the Local Highway Authority.
- 15) The access to the site for vehicles shall not be used unless the public highway dropped crossing for pedestrians on either side of the access have been laid out and constructed in accordance with the standard specification of the Local Highway Authority.
- 16) Any boundary feature to be constructed between the new access to serve the site and the existing access to the west of the proposed new access should not exceed a height of 0.9m above the level of public highway carriageway for a minimum distance of 15m from the edge of the public highway.
- 17) The development hereby permitted shall not be occupied until it has been laid out in general accordance with drawing no. 7781-115A.

- 18) Prior to occupation or use of any part of the development hereby permitted bins and caddies shall be provided for each dwelling, in accordance with the Council's bin specifications and current waste collection service, including a bin for garden waste collection.
- 19) No dwelling that has a downpipe within the development hereby permitted shall be first occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 20) Prior to occupation or use of any part of the development hereby permitted a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.
- 21) Prior to occupation or use of any part of the development hereby permitted, the sustainability measures proposed in the supporting Climate Change Checklist shall be incorporated into the design of the development and/or site layout as relevant. Thereafter, the approved sustainability measures shall be retained and maintained.
- 22) Prior to the installation of any solar panels, details of their appearance to include scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 23) The windows to serve any en-suite, bathroom or cloakroom window hereby permitted must be glazed with obscure glass to a minimum of Level 3 and shall thereafter be maintained in this condition at all times.