



Appeal Decision

Site visit made on 27 June 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03.10.2023

Appeal Ref: APP/J3720/W/23/3316775

Garage Blocks, Redlands Crescent, Stratford-upon-Avon, Warwickshire CV37 9HS

- 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 Ed Mustin of EGM Homes Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/02086/FUL, dated 12 July 2022, was refused by notice dated 13 January 2023.
 - The development proposed is demolition of existing garaging and the construction of detached 1-bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Easting and Northing were given for the site address on the application form but in the interest of clarity I have used the address given on the appeal form which was similar to that used on the Decision Notice. This provided a more easily identifiable address for the site and because a version of this was used by both parties, I am satisfied that no party would be prejudiced by this.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the living conditions of the occupiers of 35 Redlands Crescent with regard to outlook as well as daylight and sunlight;
 - the effect of the proposed development upon the character and appearance of the area; and
 - the effect of the proposal upon access arrangements to the substation located to the rear of the site.

Reasons

Living conditions

4. 35 Redlands Crescent is a two-storey dwelling that is located next to the appeal site. The dwelling has a single storey rear extension that has been built close to the shared boundary with the garages. The dwelling is split between an annexe and the main house itself and the annexe incorporates parts of both the single storey extension and the two-storey house.

5. During my site visit at the property, I could see that the kitchen on the ground floor of the annexe is within the two-storey section of the building. It has a single window and a glazed door that face directly towards the garages, which extends to a height just above the window. As a result, the sunlight entering the kitchen is already limited but daylight does still reach this room throughout the day. The outlook from this window is the flank wall of the garages and is already enclosed by them, however the limited height of the garages ensures the outlook is not oppressive.
6. The proposal would introduce a two-storey flank wall opposite this room that would block almost all sunlight or daylight that could reach this room. This would overshadow the room to such an extent that it would have a significant detrimental effect on the usability of the kitchen.
7. Furthermore, the long blank wall of the dwelling would dominate the outlook from the kitchen as well as the small courtyard area and the path along the side of the house. This would create a tunnelling effect that would appear oppressive and create a bleak environment. Whilst the proposal would have a flat roof which would limit this effect, the scale and siting of the dwelling very close to No. 35 limits the effectiveness of this feature and subsequently would not overcome this concern.
8. The obscured glazed bathroom window also faces towards the proposed flank wall of the house. However, given that this is a bathroom the loss of outlook would not be as keenly felt and the effect of the loss of daylight and sunlight to this room would not be significantly harmful.
9. The proposed house would extend beyond the rear bedroom window on the ground floor of the annexe. However, this window is set further away from the shared boundary and does not face directly towards the proposed dwelling. The outlook from this window looks over a large garden and the proposal would only extend a relatively short distance beyond the window. The proposal would introduce a slightly taller wall along the shared boundary and as a result, the outlook from the window would be slightly enclosed by the house. However, the outlook from this window would be mostly unaffected by the dwelling given its limited overall height. Furthermore, this window currently receives ample daylight and sunlight throughout the day and the limited height and set back of the proposed dwelling would ensure this would not be significantly reduced by it.
10. The section of the proposed dwelling that would extend into the garden would be single storey and would not be significantly taller than the existing garages. Whilst the garden is shared between the occupants of the house and the annexe, it is a large garden. The size of this garden and the limited height of this element of the proposal would ensure that it would not appear overbearing when viewed from most of the garden. Given the siting of the two-storey section of the house adjacent to the two-storey section of No. 35 this part of the proposal would be located a considerable distance from the garden. This distance would ensure this part of the house would also not appear overbearing from the garden.
11. Therefore, the proposed development would harm the outlook from the kitchen as well as erode the amount of sunlight and daylight that would reach this room. Subsequently, the proposal would harm the living conditions of the occupiers of 35 Redlands Crescent. Accordingly, the proposal would not accord

with Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS). This policy expects proposals, amongst other matters, to ensure neighbouring buildings will be protected from unacceptable levels of noise, contamination and pollution, loss of daylight and privacy, and adverse surroundings.

Character and appearance

12. Redlands Crescent is a residential street generally comprising detached and semi-detached, two-storey dwellings with gabled roofs set within relatively generous plots. The dwellings are typically set back behind front gardens and parking areas. The scale and siting of the dwellings are relatively consistent; however, the detailed design does vary across the area. Whilst they vary in terms of their design, the dwellings are typically built using light red facing brickwork and concrete tiled roofs. This works to unify the varying design of the dwellings.
13. The garages are single storey buildings set back behind No. 35 and as such these buildings are not prominent within the street scene. The garages are in poor physical condition and are of simple concrete construction and do not relate well to the surrounding buildings.
14. The site has an irregular shape which constrains the overall size and layout of the plot. Whilst the dwelling would not be set back behind a garden and driveway like the other houses, the house would be built set back from the road consistent with the building line established along this section of Redlands Crescent. Furthermore, the location of the house in this corner location would ensure that the dwelling itself would not be in a prominent location within the street scene.
15. The front elevation of the dwelling would address the road, and this would ensure that the alignment of the dwelling would be consistent with the surrounding houses. Given the scale of the building it would also be consistent with those in the area. This alongside the siting of the dwelling partly behind No. 35 would ensure that it would not dominate this corner location and would sit comfortably within the space available.
16. Semi-detached dwellings are common in the area and as such the close relationship between the proposal and No. 35 would not appear unusual in the area. Whilst the scheme would partly erode the gap between No. 35 and the Public Right of Way (PRoW), the driveway and outdoor amenity area would retain the gap, and this would ensure that the openness of this corner of the estate would be retained. The dwelling has also been designed with two principal elevations to address both Redlands Crescent and the PRoW. This would introduce active frontages in both directions creating a visual connection with the immediate environment.
17. The National Planning Policy Framework (Framework) at paragraph 130 c) states that decisions should not seek to prevent or discourage appropriate innovation or change whilst being sympathetic to local character. The scale and siting of the scheme would be sympathetic to the houses in the local area. The use of Corten Steel would be uncommon; however, it would be similar in colour to the commonly used red facing brickwork. Whilst some of the materials themselves would be uncommon the consistent colour palette would unify the scheme with the surrounding development. The blocky form of the house

alongside the flat roof would be unusual, however the scheme as a whole would be sympathetic to the character of the area whilst seeking to create something new.

18. The surrounding houses do not have a strong consistent character. As such, a modern dwelling built to a high standard, as is evident in the quality of the plans submitted including features such as the perforated cladding over the windows, would create a dwelling that would stand out architecturally without necessarily appearing overly dominant in the area due to the scale and siting of the scheme. The replacement of the garages with this dwelling would improve the appearance of the site.
19. Therefore, the proposed development would not harm the character or appearance of the area and would comply with Policy CS.9 of the CS and policy BE1 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031 (NP). These state that, amongst other matters, proposals should be of a high-quality architectural design. The Council has quoted Policy NE2 of the NP in the Decision Notice but this deals with proposals within the Flood Zone of the River Avon which is not relevant to this matter.

Access to Substation

20. Notwithstanding whether this is a matter that should be dealt with through the appeals process, the Title Deed (Title number: WK490944) identifies that the substation operator must give at least 10 working days' notice for entry. Given that the proposal would not physically build over the easements identified in Site Plan DWG No. 010 the scheme would not restrict access to the substation and the 10-day notice would allow for access to be arranged. Space has also been laid out around the substation to allow for work to be undertaken.
21. As a result, the proposal would not block access to the substation. Therefore, the proposal would accord with Policies CS.9 and CS.15 of the CS. These policies, amongst other matters, seek to ensure that the layout and orientation of developments are sensitive to neighbouring uses.

Other Matters

22. I note the representations received regarding several other matters. However, given that I am dismissing the proposal the harms alleged would not arise. As these matters could affect the outcome of the appeal, I have not considered them further.

Planning Balance

23. I have found that the proposal would not harm the character or appearance of the area and would not hinder access to the substation. These therefore attract neutral weight.
24. The scheme would reuse previously developed land which is supported by both local and national policies. Paragraph 120 of the Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes. However, given the above conclusions on the living conditions of neighbouring occupants the proposal would not be a suitable site and thus substantial weight cannot be attributed to this consideration. Nevertheless, the reuse of brownfield land would still warrant modest weight in the balance.

25. The house would incorporate carbon-reducing measures and would be in an accessible location within Stratford-upon-Avon and to this I attach limited weight. There would also be a small and time-limited benefit during the construction phase, which may give rise to extra local employment as well as long term economic benefits as a result of increased expenditure by the occupants which warrants very limited weight.
26. The proposal would deliver a one-bedroom dwelling and the Stratford-upon-Avon Town Council identify that there is an undersupply of this type of accommodation in the town. All of these factors weigh in favour of the proposal. Though the council has a 5-year housing land supply, the Government anticipates a significant boost to housing supply. While the proposal would contribute to housing supply, as it would provide only one house, the cumulative benefits of the scheme would be moderate.
27. Notwithstanding these benefits, the scale and siting of the proposed dwelling would cause harm to the living conditions of the occupants of 35 Redlands Crescent. I give this matter and the associated conflict with the development plan significant weight.

Conclusion

28. Therefore, for the reasons given above the proposal would conflict with the development plan as a whole, and the other material considerations would not indicate a decision should be made other than in accordance with it. Consequently, the appeal is dismissed.

G Sibley

INSPECTOR