



Appeal Decision

Site visit made on 29 August 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12.10.2023

Appeal Ref: APP/J3720/W/23/3318340

The Arc School, Vicarage Road, Napton-on-the-Hill, Southam CV47 8NA

- 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 C Kennedy of Kedleston Group Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 22/01070/FUL, dated 6 April 2022, was refused by notice dated 13 January 2023.
 - The development proposed is erection of child play equipment and formation of underlying wet-pour surface.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of child play equipment and formation of underlying wet-pour surface at The Arc School, Vicarage Road, Napton-on-the-Hill, Southam CV47 8NA in accordance with the terms of the application, Ref 22/01070/FUL, dated 6 April 2022, subject to the following condition:
 - 1) The development hereby permitted shall be undertaken in complete accordance with the following approved plans 376-01A Location and Block Plan, ACQ3219_A Arc School – Napton, 376-03F Proposed Site Plan.

Preliminary Matter

2. I have used the description of development as it appears on the Council's Decision Notice as it comprehensively describes the development that has taken place.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring occupiers with regards noise and overlooking.

Reasons

4. The appeal site is a specialist school for 5-11 year olds and includes the main school building with an number of outbuildings and open spaces. The site fronts onto Vicarage Road and is surrounded on all sides by residential development.
5. The appeal relates to the erection of child play equipment and the formation of underlying wet-pour surface in a corner of the site adjacent to the gardens of residential dwellings with the boundary between properties marked by timber fencing measuring some 1.8 metres tall. The equipment and flooring was in situ at the time of my site visit and the application is retrospective.

6. The play equipment and flooring is in an area of the site where children could congregate at lunch time and play times irrespective of the equipment. The presence of the equipment is likely to draw children to the area but there is little before me to indicate that the consequential noise associated with the use of the play equipment in that location is likely to cause material harm. I am also conscious that the use of the equipment would be confined to certain times of the school day and would unlikely be used during inclement weather, limiting exposure to any noise associated with the children's play. Any bad language used by the children is a matter for the school to address and is a separate matter to the location of the equipment and flooring.
7. The play equipment includes a climbing frame which may enable children to gain views into neighbouring gardens. However, I do not think the views are anything more than fleeting glimpsed views and would not cause material harm to the privacy of the neighbouring occupiers as a result. Similarly, to obtain a clear view through the fence a child would likely need to be in close proximity to it. I am not convinced that the children will spend their time peering through the wooden boundary fence, as suggested by the Council, particularly given the presence of the play equipment. There is little before me to indicate that it is likely.
8. The development does not materially harm the living conditions of neighbouring occupiers with regards noise or overlooking. It does not therefore conflict with Policy CS.9 and Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policies 4, 5 and 12 of the Napton-on-the-Hill Neighbourhood Development Plan 2018-2031. Amongst other things, these policies support development that does not have significant harmful impacts on the living conditions of neighbouring uses. It also does not conflict with the relevant parts of Part F (Residential Amenity) of the Development Requirements Supplementary Planning Document.

Conditions

9. As the development has been undertaken I have not imposed the standard time condition. However, I have attached a condition specifying the approved drawings as this provides certainty. The Council has suggested the imposition of a planting condition on the northern boundary. However, given my findings above I do not think it is necessary.

Conclusion

10. For the reasons identified, I conclude that the appeal should be allowed subject to the identified condition.

K Ford

INSPECTOR