



Appeal Decision

Site visit made on 4 January 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2024

Appeal Ref: APP/J3720/W/23/3324500

Land adjoining the rear of 16 Devonish Close, Alcester, Warwickshire, B49 6EG.

- 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 Mrs Aleta Stokes against the decision of Stratford-on-Avon District Council.
 - The application, Ref 22/02947/FUL, dated 4 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is the erection of a single, single-storey, one-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single, single-storey, one-bedroom dwelling on land adjoining the rear of 16 Devonish Close, Alcester, Warwickshire, B49 6EG, in accordance with the terms of application Ref 22/02947/FUL, dated 4 October 2022, and subject to the conditions set out the Schedule appended to this Decision and for the reasons there stated.

Main Issues

2. The main issues relate to the character and appearance of the site and surrounding area and to the provision of private amenity space,

Reasons

Local Planning Policy

3. Policies CS.9 and CS.15 of the Stratford-on-Avon District Core Strategy (DCS) together require development to be of high quality, attractive and sensitive design to enhance the sense of place and local distinctiveness of an area. These policies are supplemented by Development Requirements, including that useable outside private amenity space should be provided at the rear of dwellings where possible and that the value of such space depends upon such as configuration, size and orientation.

Character and Appearance

4. Devonish Close is a residential cul-de-sac within a wider area of housing development. The Close comprises two-storey, semi-detached, brick-built dwellings with no strong building line. The appeal property, No16, is paired with No18 with which it shares a forecourt area, partly surfaced for car parking

and partly laid to gravel. No18 has its own private amenity and garden areas, whilst the appeal property enjoys a small area of private amenity space at its flank frontage. Some of this space is enclosed by a tall fence, in common with certain other properties in the vicinity. There is also a garden area associated with the appeal property but separated from the house by the forecourt and apparently little used at present.

5. The single-storey, one-bedroom dwelling proposed would occupy this garden area. The new dwelling would be the only small bungalow in the Close and would stand prominently beside the cul-de-sac turning head. Despite its singularity but having regard to its small scale, I do not consider that the bungalow would look unduly out of place in the street scene, given the absence of any strong building line, and provided it were required by condition to be finished in materials to match the neighbouring buildings.
6. Part of the gravel area of the forecourt would be given over to providing the requisite single parking space for the new dwelling. At the same time, there would be new landscape planting along the road frontage of the site which would soften the visual impact of the development in the street scene. This would also be secured by condition.
7. I respect the concern of the present occupant of No18 due to the proximity of the proposed bungalow to that property. However, the direct outlook from the front of No18 is already occupied by hard-surfaced car parking space and gravel. The addition of a further car parking space, coupled with the new boundary planting, would not, to my mind, much alter the degree to which the property frontages would be dominated by parked cars. Certainly, the new dwelling, in place of the garden area, would be significantly noticeable from No18. However, I do not consider that this modest building would stand sufficiently close to its neighbour to warrant planning objection on grounds of undue dominance or overshadowing.
8. Overall, I am satisfied that the proposed development would be of high quality, attractive and sensitive design in its street context, enhancing local distinctiveness and sense of place.

Private Amenity Space

9. The garden area appears large enough to afford private amenity space of sufficient size and, with the proposed landscape planting and appropriate means of enclosure, to provide a satisfactory living environment for the new dwelling itself.
10. Notably, the development would deprive the existing dwelling at No16 of the major part of its present amenity space, leaving it with only its partly-fenced, private area not to the rear but on its flank. However, the garden area is remote from the host property and this adverse configuration and orientation diminishes its value as private outdoor space, in the terms of adopted supplementary Development Requirements. I consider that, as a result, it is unlikely ever to be put to good use as amenity space. Moreover, the relatively small, private amenity area that would remain at No16 evidently meets the requirements of the present resident, whilst any future prospective occupant would have the choice as to whether the private space available were adequate for their needs.

11. In these particular circumstances, I find no objection with respect to the provision of private amenity space.

Other Matters

12. The proposed development would make more efficient use of the land and contribute an additional unit of living accommodation to the local housing stock. However, in the evident presence of an adequate five-year District housing land supply, these advantages carry relatively little planning weight in the present case.
13. I have had regard to all matters raised in the written representations but nothing else affects my decision.

Conclusions

14. For the reasons stated above in connection with the two main issues, it is my first conclusion that the proposed development is to be regarded as sustainable development compliant with the relevant Policies CS.9 and CS.15 of the Stratford-on-Avon DCS and with the adopted development plan as a whole.
15. Therefore, in accordance with paragraph 11d(i) of the National Planning Policy Framework, the proposed development should be approved without delay.
16. Accordingly, it is my final conclusion that this appeal should be allowed and that the permission sought should be granted, subject both to the conditions I have outlined and to the others suggested, without prejudice and for the reasons stated by the Council.

B J Sims

INSPECTOR

APPENDIX

SCHEDULE OF PLANNING 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.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawings:

82976-09 - Site Location Plan

82976-04 - Existing Site Plan

82976-08C - Proposed Site Plan

82976-10 - Block Plan

82976-07 Ba - Proposed House Type B

82976-11 - Street Elevations -

82976-12A - Bin storage and Collection Plan Scheme B

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of Policy CS.9 of the Stratford-on-Avon Core Strategy (2011-2031).

3. Prior to the commencement of any part of the development hereby permitted above ground floor slab level, samples and trade descriptions of the external facing and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details and materials approved.

Reason: To ensure that the new materials are in keeping with the surroundings in accordance with Policy CS.5 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

4. Notwithstanding the approved drawings, 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 tree, hedge and shrub planting; (c) written specifications including cultivation and other operations associated with tree, plant and grass establishment; (d) any existing landscape features to be retained or removed; (e) the position, design, materials, means of construction of all site enclosures and boundary treatments including fences, walls, railings or hedges; (f) a timetable for the implementation of the soft and hard landscaping scheme.

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.

Reason: To ensure that the development is in keeping with the area and to safeguard the character and amenity of the area, having regard to Policies CS.5 and CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031.

5. The dwelling hereby approved shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for the approved dwelling, in accordance with the Council's bin specifications.

Reason: To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy CS.9 of the adopted Stratford-on-Avon Core Strategy (2011-2031).

6. The dwelling shall not be first occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.

Reason: To encourage the re-use of water resources in accordance with the provisions of Policy CS.4 of the Stratford-on-Avon District Core Strategy (2011- 2031).

7. Prior to first occupation of the development hereby permitted, the vehicle parking space shall be laid out in accordance with the details indicated on approved drawing No 82976-09 for the parking of 1 car. Thereafter, the said parking space shall be retained for the parking of vehicles used by persons residing, working, visiting or attending at the dwelling hereby approved and shall be kept free from any other form of obstruction.

Reason: To ensure that safe, adequate and convenient on-site parking space is provided and thereafter retained in the interests of public safety and convenience, having regard to Policy CS.26 of the Stratford-on-Avon District Core Strategy 2011-2031.

8. Prior to first occupation of the dwelling, the sustainability measures set out within the supporting 'Climate Change Checklist' submitted to the Local Planning Authority on 25th July 2022 shall be incorporated into the design and layout of the development as relevant. Thereafter, the approved sustainability measures shall be retained and maintained.

Reason: To ensure sustainability measures are taken into account in the development, having regard to Policies CS.1, CS.2 and CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 and Part V of the Development Requirements SPD.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- a) Part 1, Class A (enlargements, improvements or other alterations);

- b) Part 1, Class B (roof additions);
- c) Part 1, Class D (porches);
- d) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- e) Part 2, Class A (gates, fences, walls or other means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the locality, safeguard the character and appearance of the development itself and prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property having regard to Policies AS.10, CS.9, CS.10 and CS.15 of the Stratford-on-Avon District Core Strategy 2011-2031.