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# Appeal Decision

Site visit made on 30 January 2024

**by N Bromley BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 March 2024**

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**Appeal Ref: APP/J3720/W/23/3326617**

**Edoras, Banbury Road, Pillerton Priors, Warwickshire CV35 0PG**

- 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 & Mrs Gant against the decision of Stratford-on-Avon District Council.
  - The application Ref 22/03649/FUL, dated 12 December 2022, was refused by notice dated 28 June 2023.
  - The development proposed is Erection of two detached dwellings with associated infrastructure and the erection of a new pitched roof triple garage to serve Edoras.
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## Decision

1. The appeal is dismissed insofar as it relates to the construction of two dwellings with associated infrastructure. The appeal is allowed insofar as it relates to the new pitched roof triple garage at Edoras, Banbury Road, Pillerton Priors, Warwickshire, CV35 0PG, in accordance with the terms of the application Ref 22/03649/FUL, dated 12 December 2022, so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the attached schedule to this decision.

## Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. For the reasons that follow, I find the proposed new pitched roof triple garage to be acceptable and it is clearly severable both physically and functionally from the proposed new dwellings and other site works. Therefore, I intend to issue a split decision in this case and grant planning permission for the new pitched roof triple garage.

## Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

5. The appeal site is occupied by Edoras, a detached property set within a ribbon of development on the south side of the A422, Banbury Road, in the village of Pillerton Priors. The dwelling occupies a substantial plot, set back from the road

and with a large rear garden. Open agricultural fields are located beyond the rear boundary.

6. The existing dwellings on the south side of Banbury Road are of a varying size, form, and appearance. They also have a staggered front building line, with some of the dwellings being set further back from the road frontage than others. However, the existing dwellings on both sides of the road have a linear built form along the road frontage. This is the main characteristic of the pattern of development along the road.
7. The proposed dwellings would be accessed via a long driveway, which would pass to the side of the main dwelling. The two dwellings would be set within generous plots, each with a detached double garage to the side and off-street parking and turning areas to the front.
8. Given the backland location of the two dwellings they would introduce a significant amount of built form and mass beyond the established rear boundaries of the existing dwellings that front the road, particularly those to the east. This would interrupt the established linear built form and prevailing pattern of development on Banbury Road.
9. The scale and additional mass of the proposed dwellings would be noticeable from within the street scene between the gaps of existing buildings. Plot 1 in particular would be visible from the gap created by the access driveway. The development would also be visible and jarring from views from the public footpath to the east and south. This would contribute to the adverse effect of the proposed dwellings.
10. Whilst neighbouring properties may have utilitarian, auxiliary buildings within their rear gardens, the resultant effect on the character and pattern of development in the area of two large dwellings would be wholly different than the scale and massing of those ancillary buildings.
11. Even though a detailed soft landscaping scheme is proposed, which would help to soften the appearance of the proposed development, this would not overcome the harm caused by the backland location.
12. The proposed dwellings would therefore have an unacceptable effect on the character and appearance of the area. They would conflict with Policy CS.9 of the adopted Stratford-on-Avon District Core Strategy 2011-2031 (CS), and the Stratford on Avon District Council Development Requirements SPD (SPD), which together and amongst other things, require developments to reflect the context, character, and distinctiveness of the locality. In addition, the proposed dwellings would fail to accord with the design objectives of the Framework, which seeks to achieve well-designed and beautiful places.
13. The proposed triple garage would be sited in front of the host dwelling and would appear as an ancillary domestic building to the main dwelling. Whilst it would be located on the site frontage it would be viewed in the context of the site and other similar buildings in the locality and wider surrounding area. In addition, trees and vegetation on the front boundary would largely screen it from views from the road. It would be constructed from facing brick with a pitched tiled roof which would ensure that it has an acceptable appearance. Taking all of these points together, it would not have an adverse appearance within the streetscene or the wider context of the area.

14. For the above reasons, I conclude that the proposed triple garage is acceptable in respect of character and appearance. It would accord with the aforementioned requirements of Policy CS.9 of the CS, the SPD, and the Framework.

### **Conditions**

15. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. A condition to secure that external materials, relating to the proposal, are those specified on the approved plans, would also be necessary in the interests of safeguarding the character and appearance of the host property and surrounding area.
16. I have not imposed other conditions suggested by the Council as these relate to the development of the wider site, and the proposed two new dwellings.

### **Planning Balance and Conclusion**

17. The proposed development seeks to incorporate green infrastructure and ecological enhancements and a bio-diversity net gain of over 10% has been suggested. The proposed dwellings would also contribute to boosting the supply of new housing, as referenced in the Framework and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding two additional dwellings to the housing supply in the area. Taking the above matters into consideration, the benefits of the housing would not outweigh the identified harm to the character and appearance of the area. Therefore, the proposed dwellings would conflict with policies contained within the development plan as a whole. I have found no other material circumstances that would outweigh that conflict.
18. Consequently, I conclude that the appeal should be allowed insofar as it relates to the proposed triple garage for the host property but dismissed insofar as it relates to the construction of the two dwellings with associated infrastructure.

*N Bromley*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered: PL001 Rev E; PL010 Rev A and L-200 Rev I.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building or those specified on the approved plans.