



Appeal Decision

Site visit made on 6 April 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/J3720/W/23/3333380

Garages site Holbech Hill Farnborough Banbury Warwickshire OX17 1EB

- 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 Fernando de Lerma against the decision of Stratford-on-Avon District Council.
 - The application Ref: 22/02887/FUL dated 16 September 2022 was refused by notice dated 4 September 2023.
 - The development sought to be approved is Conversion of six garage unit into one bedroom bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the Conversion of six garage unit into one bedroom bungalow at Garages site Holbech Hill Farnborough Banbury Warwickshire OX17 1EB in accordance with the terms of the application Ref: 22/02887/FUL dated 16 September 2022 and the drawings submitted with it subject to the conditions appearing on the schedule attached to this decision letter.

Main Issue

2. The main issues are:
 - the effect of the proposal upon the character and appearance of the area, and
 - whether the proposed dwelling would afford suitable living conditions for occupiers.

Reasons

Character and appearance

3. The appeal site is a group of brick-built garages and originally provided for occupiers of a small development of small single-storey houses, but now redundant. Located adjacent to a sloping section of Main Street in the largely linear settlement of Farnborough, the three pairs of mid-twentieth-century dwellings, together with the appeal site which is adjacent to the highway, lie within what would previously have been a gap in the development pattern of the settlement with open fields on either side. The redundant garages are therefore prominently placed in the street scene but have a neglected appearance.
4. It is apparent from the language used in their appeal statement alongside an extensive planning history with a range of refusal reasons, that the Council consider the redevelopment (or conversion) of this garage block to be undesirable as a matter of principle. The Council express concern as to the

nature of what is proposed being neither 'sensitive' nor 'attractive' but the reasons for these assertions are only broadly explained and from a reading of relevant policies¹ I consider the appropriate starting point for consideration as to planning harm or benefit should be what currently exists on the site and in its setting and that regard should be had to the current neglected state and that regard should be had to the benefit of bringing an abandoned structure into beneficial use.

5. As a conversion of an existing structure with changes limited to those necessary for occupation (but including addition of a pitched roof and additional works within the main enclosing walls) it is relevant that visual impact of what is proposed, upon both the immediate setting and the wider landscape, would be nominal, and of broadly similar scale and appearance to adjacent development. Notwithstanding the Council's expressed preference for a differing architectural approach, I find little conflict with Policy CS9 of the Stratford-on-Avon Core Strategy (SoACS) which seeks high quality design to make places attractive to live and work in and that development is sensitive to context.
6. The Council's second refusal reason suggests the proposed change of use would bring pressure to remove a tree which is adjacent the southern tip of the garage block and makes an important contribution to the landscape of the area. To my mind this is an unnecessary concern as silver-birch trees (although the subject of concern is somewhat larger than it appears on the submitted elevations), do not grow to great height and by their generally open foliage are commonly found in residential settings.
7. The Council also suggest risk to the tree from the construction process, and complain as to the absence of an arborecultural report. However, their appeal statement states '*The most recent applications on the site have at least included a tree survey*', whilst this seemingly failed to provide the evidence sought by the Council, their refusal of application 21/03118/FUL (which seemingly presented a greater risk to the tree than the present conversion proposal) did not include an arborecultural reason. It is not made clear why this concern should now emerge for a proposal which would likely have no more impact upon the tree than the previously refused proposal.
8. Notwithstanding that inconsistency, these concerns relate to landscape impacts that are addressed by Policy CS12 of the SoACS which seeks to resist '*development proposals that would have a harmful effect on (the) distinctive character and appearance (of special landscape areas) which make an important contribution to the image and enjoyment of the District*'. The appeal site lies within established settlement and is within a developed area, albeit more widely visible due to open areas on either side. Nevertheless as the changes to what is currently found are not significant and the identified tree can be protected by suitable condition, I consider there is little conflict with those policies.
9. Overall, given the nature and character of other development in proximity to the site and its current neglected condition, I find that the proposal would, if

¹ And in particular CS9at B 1 & 2

appropriately conditioned, make a positive contribution to the character and appearance of the area and not conflict with Policies CS5, CS9 or CS12 of the which together seek that development should be of high design quality and respect the relationship of development with the protected landscape,

Living conditions

10. The Council's third reason for refusal asserts that the proposed dwellings amenity space will '*suffer either from a lack of privacy or an enclosed and unwelcoming character*' and be '*beset by overhanging trees or overshadowed by boundary features*'. This emphatic language is largely contradicted by the Council's appeal statement where it states '*(the appellant) is correct that the proposed development will not encroach on the Silver Birch any further than the existing garage*'. Whilst the courtyard space would be enclosed by the adjacent dwelling it has a broadly southerly orientation and the shading generated by the established tree is no different to that widely found in many domestic gardens and at some distance from the proposed habitable rooms/outdoor space.
11. Expectations of amenity space and privacy can vary widely between users and differing locations. The proposed new fenestration would provide an open outlook to the south-east across Main Street. The part of the appeal site which lies on that side could be defined² by suitable planting to provide a degree of separation from the public realm but would also need to provide the indicated visibility splay³. A scheme for appropriate, preferably planted, delineation of private amenity area delivered by suitably-worded conditions, would ensure appropriate treatment of the current open area adjacent Main Street and could favourably change the current neglected condition of the site.
12. Overall, the appeal site would be appropriate for residential use and the proposed dwelling would afford a reasonable degree of privacy and environmental amenity such that there would be no conflict with the requirements of Policy CS9 (at B8) of the SoACS which seeks a 'healthy' environment.
13. My conclusions direct that the proposal would present little conflict with the relevant policies of the development plan, consequently, having regard to all matters raised, the appeal should succeed. The Council have proposed a number of conditions which I have considered in the light of the six tests and amended accordingly. In addition to a scheme for the protection and management of the identified tree, these include the usual plans and timing conditions, together with conditions to ensure the development accords with the basis of my reasoning with respect to provision of amenity space, visual enhancement of the site and consistency in the use of materials.

Andrew Boughton

INSPECTOR

² On the basis that this land is within the red line on the submitted plan and the appellant has completed certificate A in his application.

³ Which can be delivered by condition.

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: 42:31-C102; 42:31-C110; 42:31-C120.
- 3) Prior to the commencement of the development hereby permitted, a scheme for the protection and management of the mature tree (*Betula Pendula*) located adjacent to the southern perimeter of the appeal site, to include an assessment of impacts arising from the proposed development, shall be submitted to and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details.
- 4) The development hereby permitted shall not be brought into use unless and until the visibility splay marked on drawing 42:31-C102 has been provided. No fence, structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metre above the level of the public highway carriageway.
- 5) Notwithstanding the plans approved under condition 2, prior to first occupation 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 scheme shall include, but need not be limited to, details of parking and other hard paved areas together with planting and all proposed boundary treatments including hedging, and materials to be used with a timetable for the implementation of the approved scheme.
- 6) The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved details and timetable of implementation.
- 7) Unless otherwise approved in writing by the local planning authority materials used in the development hereby approved shall match those found in the existing building or the dwellings found in the adjacent Holbech Hill development.
- 8) The development hereby permitted shall not be brought into use until a water butt with a minimum capacity of 190 litres and a child-proof lid has been connected to a downpipe on the development.
- 9) No part of the development hereby permitted shall be brought into use unless and until three bins for the purposes of refuse, recycling and green waste have been provided in accordance with the Council's bin specifications. Details of any bin store to be erected or constructed shall be submitted to and approved in writing by the local planning authority prior to erection or construction.