
Appeal Decision

Site visit made on 24 April 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/J3720/W/23/3329057

Land and buildings at rear of Japonica, Southam Road, Priors Marston CV47 7RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Spatcher against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/02050/FUL.
 - The development proposed is conversion of existing barn to a dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed during my site visit that a wall with brick piers and large sliding timber gate has been erected along the edge of the private shared driveway, between the driveway and proposed garden and parking area of the proposed dwelling. These structures are not shown or detailed within the appeal submission and so, do not form part of the appeal proposal. The appellant asserts these structures are permitted development under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO). However, this is not a matter for my consideration as part of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the development would preserve or enhance the character or appearance of the Priors Marston Conservation Area (CA) and the existing building, as a non-designated heritage asset; and,
 - whether the proposed dwelling would provide acceptable living conditions for future occupants, with regard to daylight, outlook, space standards and privacy.

Reasons

Character and appearance

4. Located off a private driveway in a pleasant rural village, the site is a barn set within a small plot. Wrapping directly around the north and east sides of the barn is the shared driveway leading to residential properties and, to the south and west are residential gardens of neighbouring dwellings. On the opposite

side of the private driveway, to the north-west is a newly constructed development of 4 large, 2 storey detached houses and to the south-east, beyond their long gardens, is a row of traditional 2 storey terraced properties that front Southam Road. The village is distinctively characterised by 2 storey dwellings set typically within spacious plots.

5. The plot size of the barn is conspicuously smaller than the existing large residential properties that surround the site. Furthermore, the single storey scale of the building is more akin to that of outbuildings that serve surrounding dwellings, rather than a standalone dwelling itself. Whilst there are some examples of modestly sized residential plots within the village, these are further away and do not include any on-plot parking. Therefore, they are still appreciably larger than the site. Additionally, even though the garden area would exceed the Council's outdoor amenity standards for 2 bedroom dwellinghouses¹, these relate to living conditions and, the garden size would be much smaller than typical garden sizes of surrounding dwellings.
6. Considering the spacious surrounding character and scale of dwellings, the proposal would appear incongruously cramped. It would harmfully detract from the prevailing pattern of development, and this would have an unacceptable effect on the character and appearance of the area.
7. This would conflict with Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (SOACS), which, amongst other matters, requires all forms of development to enhance the sense of place, reflecting the character and distinctiveness of the locality.

Conservation Area and the Non-Designated Heritage Asset

8. The Priors Marston CA boundary cuts through the site, with the southern end, namely the pigsty lying within the CA, and the majority of the site lying outside the CA. Accordingly, I am mindful of my statutory duty to have special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in reaching my decision. It is also necessary for me to consider the effect on the setting of the CA in accordance with the National Planning Policy Framework (the Framework).
9. The significance of the CA as a whole is derived by the landscape and the agricultural background of the village, rather than consistency of building styles and materials. Particular characteristics within the CA include grass verges, hedges and dense vegetation and walls. Also, its sense-of-place is created by the configuration and inter-relationship of various historic buildings and structures, and the appreciation of the surrounding rural landscape.
10. The barn and attached pigsties have an attractive traditional rural appearance, with retained original construction and features. These buildings are presumed to be Victorian and were in situ on a historic OS plan dating to 1899. Thereby, they are undisputed non-designated heritage assets, whereby their significance is derived from the agricultural form and character and their historical agrarian link. Furthermore, despite the lack of public vantage points, the site can be viewed from several surrounding residential properties and the rural and historic connection of the buildings to the development of the village means they make a positive contribution to the significance and setting of the CA.

¹ as set out in the Council's Development Requirements Supplementary Planning Document (SPD) (April 2019 and December 2018)

11. The cramped setting, enclosed garden, and parking space would domesticate the agricultural appearance of the buildings. Given the rural historic connections of the buildings and setting, this would fail to preserve the character and appearance of the CA. This would result in less than substantial harm to the significance of the CA, at the lower end of the spectrum. Although, the verdant characteristics of the CA would be unharmed.
12. The proposal would involve the conversion of only one of the 3 former pigsties, thereby splitting the historic form and character of the building. The existing openings would be utilised, and the form and walls of the building would be maintained, only breaking through to the pigsty internally. Therefore, subject to appropriate matching external materials, the physical works to convert the buildings would have a neutral effect to the significance of the non-designated asset.
13. In view of the above, the proposal would not preserve the appearance of the Priors Marston Conservation Area. This conflicts with Policy CS.8 of the SOACS, which requires that priority be given to protecting and enhancing the wide range of historic and cultural assets that contribute to the character and identity of the District.
14. Paragraph 208 of the National Planning Policy Framework (the Framework) requires that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. The proposal would bring back into use an under-utilised building in the village and deliver an additional small dwelling, which may meet the housing needs of certain people within the local community. The proposed dwelling would also provide some economic benefits during the conversion period with the opportunity of work to local tradespeople at such time and, the future occupiers of the dwelling could help support local services and facilities within the local area. I find such public benefits would be enough to outweigh the less than substantial harm caused to the significance of the CA in this instance.

Living Conditions

16. The daylight, sunlight, and overshadowing assessment, considers light and overshadowing in relation to the internal rooms and external amenity space of the proposed dwelling based on BRE guidance. This shows that due to the windows proposed on the east side elevation, both the bedroom and living/kitchen areas would have adequate daylight levels across 50% of the rooms. Also, it demonstrates that both rooms will have one window that will receive the recommended levels of sunlight throughout the year and during winter months.
17. Whilst there is more limited data in the report in regard to overshadowing, it concludes that 89% of the proposed external amenity space would receive more than 2 hours of sunlight on the 21 March equinox. This demonstrates that it would exceed the recommended BRE guideline of at least 50% of the amenity area receiving more than 2 hours of sunlight per day. Therefore, future occupiers of the proposed dwelling would have sufficient internal daylight and sunlight. There would also be no direct overlooking from neighbouring dwellings such that privacy of future residents would be maintained, including the garden area. Additionally, the Council's officer report

details that the proposal meets the Nationally Described Space Standards (NDSS) for a one-bedroom, single occupancy dwelling, excluding internal storage space.

18. The proposed total garden area exceeds 40sqm, excluding the proposed on plot parking space. This would provide more than the minimum required garden space for the occupiers of a two bedroom house, as set out in the Council's SPD and so, would be acceptable for the proposed one bedroom unit.
19. The small appeal site and building is surrounded by two-storey dwellings, with the large new dwellings to the north in relatively close proximity and a row of tall trees along the western boundary. Therefore, the proposed dwelling would be dominated by the scale of surrounding dwellings and trees. Although, in view of the fact that there would be an acceptable level of internal and external space provided and, that there would be windows on both opposing sides of the new dwelling, the outlook of the future occupants would not be adverse.
20. The newly constructed two-storey dwellings along the shared driveway, due to their scale and proximity, have the potential to cause overlooking of the proposed dwelling. However, due to the position of windows and angle of them to the new dwelling, there would be no direct window to window overlooking caused. Also, subject to suitable boundary treatment around the garden space, I consider that there would not be any harmful overlooking caused to this area.
21. In view of the above, I find the proposed dwelling would provide acceptable living conditions for future occupants, with regard to daylight, outlook, space standards and privacy. Accordingly, the proposal does not conflict with Policy CS.9 of the SOACS, which, amongst other things, requires proposals to have a good standard of space and amenity for occupiers.

Other Matters

22. I appreciate there are no concerns in respect of the proposal in relation to highways, parking, design of the proposed conversion works, ecology and biodiversity, climate change, flooding, and surface water, and that there would be no harm caused to the living conditions of neighbouring occupants. However, these are neutral considerations that do not weigh in favour of the proposal.

Planning Balance and Conclusion

23. The living conditions for future occupiers would be acceptable and the less than substantial heritage harm I identified would be outweighed by public benefits. However, the effect of the proposal on the character and appearance of the surrounding area is unacceptable and outweighs the other considerations. Therefore, the proposal conflicts with the development plan taken as a whole.
24. Accordingly, the appeal is dismissed.

C Billings

INSPECTOR