



Appeal Decision

Site visit made on 30 August 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/J3720/W/24/3339020

92 Alcester Road, Studley, Warwickshire, B80 7NP

- 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 Neal Beagan against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02605/FUL.
 - The development proposed is the demolition of existing dwellinghouse and erection of 5No dwellings and all associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwellinghouse and erection of 5No dwellings and all associated works at 92 Alcester Road, Studley, Warwickshire, B80 7NP in accordance with the terms of the application Ref 23/02605/FUL subject to the conditions set out in the attached Schedule.

Procedural matter

2. The Council's statement of case was submitted too late to be taken into account. However, the officer report on the application was submitted earlier, and this contains the Council's justification for its decision.

Main issue

3. The main issue is the effect of the development on the character and appearance of its surroundings.

Reasons

4. Although surrounded by hoardings I could see that the appeal site comprises a large, dilapidated dwelling set within a sizeable now overgrown garden. The site fronts the busy Alcester Road (A435) and residential development is evident either side and to the rear of the site.
5. The Council has no objection in principle to the development of the site, as evidenced by the planning history. In this regard, outline planning permission was granted for the erection of 4 dwellings on the site¹, and a reserved matters approval was subsequently obtained² in respect of the earlier permission. The permission and reserved matters approval remain capable of implementation

¹ Ref 20/00255/OUT dated 1 May 2020

² Ref 23/00680/REM dated 9 May 2023

and represent the appellant's fall-back position. The approved detailed scheme is a material consideration attracting considerable weight.

6. The Council acknowledge this but consider the approved scheme to be of a greater design quality than that proposed now. In essence, the increased density of a single dwelling in the Council's view represents an overdevelopment of the site; the proposed parking court in the centre of the site would be the most prominent and unattractive feature of the proposal; there is a failure to incorporate an appropriate level of landscaping and greenery; and concerns are expressed in respect of the design and scale of the proposed dwellings at the rear of the site. These are bungaloid in nature with accommodation provided in the roof space.
7. To my mind the proposed scheme's effect on the public realm would be little different to that of the approved scheme. In this respect because the site is surrounded by extant development views from the public realm are restricted to the front of the site – from the highway.
8. Viewed from here the approved and proposed scheme have much in common, that is, 2 two storey dwellings at the front, which would partially mask or screen the central parking court and the bungalows behind. Glimpses to the rear would be afforded at the access point. In this respect the previously approved landscaping belt on the northern boundary of the site alongside the proposed access would remain largely intact. Views of the front of a bungalow, albeit of a varied design, would be a common feature of both schemes.
9. Greater car parking provision would be made within the site resulting in the loss of some green space. Three bungalows would be provided at the rear in the form of a small terrace in lieu of the approved two, but they would be provided with rear gardens of an adequate space. To my mind, the development, would make effective use of a constrained site, but would not appear harmfully cramped.
10. I take the view that the differences between the approved and the appeal scheme are not such that significant or harmful consequences would arise were the latter scheme implemented instead of the former. The developments would look little different to each other when viewed from the street outside, and both would marry well with adjacent development.
11. I therefore conclude that the proposed scheme would fit acceptably into the street scene without harming the character and appearance of its surroundings. Accordingly, no conflict arises with those provisions of policy CS9 of the Stratford-on-Avon District Core Strategy (CS) directed to ensure that the design of development should be of a high quality and sensitive to local setting, existing built form and neighbouring uses.

Conditions

12. The Council has suggested a suite of conditions in the event of the appeal succeeding and the appellant has no objection to any. I shall impose most, albeit some will take a modified form.
13. In the interests of certainty, a condition is imposed to ensure that the development proceeds in accordance with the approved plans. Others, in respect of materials and landscaping, are imposed in the interests of safeguarding visual amenities.

14. Given the close proximity of housing and a busy highway, a condition relating to a Construction Management Plan is imposed.
15. Conditions are imposed in the interests of enhancing the sustainability of the site, and to make appropriate provision for cycles and waste management.
16. The Council suggested the imposition of a condition in respect of the detailed design of the access, to which the appellant agreed. However, the plan referred to in the Council's suggested condition does not form part of the appeal documentation and pre-dates the application. I cannot therefore impose it. I shall however impose an alternative condition for highway safety reasons.

Other matters

17. I note the comments raised by the Parish Council and have already dealt with some of the main planning-related points made. Neither the Council nor highway authority support the views expressed on access or parking provision, and I have no reason to disagree. No other matter raised in the representations is of such strength as to outweigh those which led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 4143_001 REV A; 4143_002 REV E & 4143_003 REV B.
3. No development shall take place, including any demolition works, until details of a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials, including the times of such loading and unloading
 - c. storage of plant and materials used in constructing the development or stockpiling during development
 - d. the hours of demolition and/or construction (it is recommended that no works (including the deliveries) take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Public Holidays)
 - e. wheel washing facilities including the location of wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
4. Prior to progression above slab level of any building which forms part of the development hereby permitted, a schedule of materials and finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the construction of the external

surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

5. Prior to the commencement of the development hereby permitted, including demolition, 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. The landscaping scheme shall include:

- planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
- location, type and materials to be used for hard surfacing where applicable for permeable paving, and use within tree Root Protection Areas (RPAs), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate;
- the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;
- a timetable for the implementation of the soft and hard landscaping scheme and a scheme of management and maintenance.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

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 management plan.

Any trees in the approved planting details which die or are removed for any reason within 3 years of their planting shall be replaced during the next planting season with trees of a similar species to those removed.

6. Prior to first occupation of the development hereby permitted, the sustainability measures set out within the 'Climate Change Checklist' submitted with the application shall be incorporated into the design of the development and/or site layout as appropriate. Thereafter, the approved sustainability measures shall be retained.
7. Prior to the occupation of the dwellinghouses at Plots 1 and 2, solar panels in accordance with approved drawings 4143_001 REV A and 4143_002 REV E shall be installed. The solar panels shall be fitted as flush to the roof plane as possible, but shall not protrude more than 0.2 metres beyond the plane of the roofslope when measured from the perpendicular with the external surface of the wall or roof slope, and shall be removed as soon as reasonably practicable when no longer needed.

8. The development shall not be occupied until secure cycle storage meeting the Council's standards in respect of quantum and design have been provided.
9. The proposed access shall be laid out and constructed in accordance with details previously submitted to and approved in writing with the Council.
10. The dwellings hereby permitted shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for each of the dwellings, in accordance with the Council's bin specifications.
11. No dwelling that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.