



Appeal Decision

Site visit made on 22 October 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2024

Appeal Ref: APP/J3720/W/24/3341945

**Hardwick House, Broad Lane, Wood End, Tanworth-In-Arden,
Warwickshire B94 5DP**

- 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 John Cook against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02816/FUL.
 - The development proposed is replacement of one dwelling and construction of two infill dwellings along with the creation of no. 2 vehicular accesses to the site and associated garages and external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the application form. The appellant has used this revised description in the appeal form and so I am satisfied that no party would be prejudiced as a result.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant Development Plan policies, including its effect on the openness of the Green Belt,
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of The Old Cottage with regard to outlook,
 - whether the proposal would provide adequate living conditions for its occupiers with regard to outlook, and
 - if the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

4. The site lies within the West Midlands Green Belt. Paragraph 152 of the Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
5. Framework Paragraph 154 sets out exceptional categories of development that are not inappropriate. New buildings are inappropriate unless, relevant to this appeal, they constitute limited infilling in villages under Paragraph 154(e). Policy CS.10 of the Stratford-on-Avon Core Strategy (SACS), adopted July 2016, makes similar requirements. It allows limited infill in Local Service Villages, such as Wood End, where the number of new dwellings would not exceed the limits of Policy CS.16, as here. Policy CS.10 is therefore generally consistent with the Framework.
6. The term 'limited' is not defined in the Framework or by Policy CS.10, and so is a matter of planning judgement having regard to, for example, the nature and size of the proposal, its location and the relationship to other development nearby. The site consists of a sizable dwelling set within a generous plot. It is one of a loose ribbon of dwellings, many also with large gardens.
7. There is no dispute that the appeal site is suitable for infill development, forming a gap in the street scene. The proposed dwellings would have a hipped roof design, which would provide a degree of separation between each of them and adjoining properties. This would represent a reduction in the roof height and mass compared to an earlier proposal considered by another Inspector¹.
8. However, although set back further into the site than the existing property, the proposed dwellings would be taller than it. They would be slightly lower than the adjacent properties at Wellington House and Mulberry House. Nevertheless, they would extend across a much greater width and would be deeper, particularly given their rear projections. They would also be notably taller than other dwellings on the western side of the site. In this context, they would have a significant scale, mass and bulk.
9. As a matter of judgement, in the context of the site and its surroundings, I conclude that the proposal could not be described as 'limited'. As such, it would not accord with the requirement of Framework Paragraph 154(e). The increase in mass and scale across the site would be visible from Broad Lane through gaps in the verdant vegetation, and from an adjoining public footpath. Consequently, the spatial and visual effects of the proposal would lead to a significant reduction in the openness of the Green Belt hereabouts, resulting in further harm.
10. For the reasons given above, the proposal would constitute inappropriate development in the Green Belt having regard to the Framework and the

¹ PINS reference APP/J3720/W/21/3280033

relevant Development Plan policy. It would also harm the openness of the Green Belt. SACS Policy CS.10 and the Framework require consideration of very special circumstances, which I will assess below.

Character and Appearance

11. The application site includes land to the rear of the property that is outside of the Built-up Area Boundary for the village, as identified in the Tanworth Neighbourhood Plan (NP), made December 2022. Whether this section of land constitutes part of the lawful residential use of Hardwick House is disputed. However, I have little evidence to demonstrate conclusively that this area of land is lawfully in residential use.
12. Domestic use of this area as proposed may well result in it having a more manicured appearance, even if permitted development rights for outbuildings, hard surfacing and boundary treatments were removed by condition. As such, on the evidence available, the proposal would result in the encroachment of residential use into the countryside, undermining its rural appearance. In the absence of a substantive justification for this element of the proposal, it would be contrary to SACS Policy AS.10. This applies a strong level of restriction to development in the countryside, requiring proposals to be fully justified.
13. Many dwellings in this part of the village have individual designs. That said, most are 1.5 or two-storey detached family houses, set in large grounds. With a few exceptions, roofs are generally pitched in form, without significant flat roof elements. Many properties locally have dormers, but generally only at first floor level. There are also some 2.5 storey houses, such as Wellington House and Mulberry House, albeit using rear rooflights for the upper level.
14. Each of the proposed dwellings would have front dormer windows within their roof space, but at second floor level. In context, this would appear unusual and discordant, particularly when repeated over a row of three large dwellings. Furthermore, each dwelling would have a mansard roof, with a flat top section. This would not reflect the predominant roof form of dwellings in the area and so would also appear incongruous.
15. Each dwelling would have a detached garage positioned to the front of it, not of itself an unusual feature hereabouts. However, the large, tall garages would be positioned very close to the front elevations and windows of their respective dwellings, hemming them in. Whilst the siting of the garages would limit the forward projection of built form, they would appear constrained, contrived and out of place. Whether or not an earlier outline permission approved similar features, this permission has now lapsed and so does not justify the proposal.
16. I have already found that the proposed dwellings would have a significant scale, mass and bulk. Their dormers, roof form and garages would exacerbate this harm. Given the range of house sizes and designs in the area, I do not accept that smaller houses here would necessarily have an unacceptable appearance. As such, the proposal would appear dominant and out of place in the street scene.
17. For the above reasons, the proposal would harm the character and appearance of the area. Accordingly, it would be contrary to SACS policies CS.9 and AS.10, and NP Policy H4, which require high quality design that preserves and reflects

local character and distinctiveness. However, no specific breach of the criteria of NP Policy BE1 has been identified and so I find no conflict with this policy.

Living conditions – The Old Cottage

18. The Old Cottage is a 1.5 storey dwelling located adjacent to the site. It has windows serving a hall and lounge that would look towards the proposal, in particular the side wall of House Type C. Given the layout and position of the front door of The Old Cottage, it is the side elevation and windows of this property which would face the proposal, rather than its front.
19. Part F of the Development Requirements Supplementary Planning Document (SPD), dated April 2019, provides minimum separation distances between new development and neighbouring properties. These aim amongst other things to prevent adverse effects to amenity, including in respect of outlook. However, the SPD advises that neighbours' side-facing windows will not normally be given the same degree of protection as front and rear facing windows, instead being judged on their individual circumstances.
20. House Type C would have a tall height and depth. However, it would be separated from the facing windows of The Old Cottage by a gravel track, and by areas of garden at both properties. Hedgerow on either side of the track would also ameliorate the massing effects of the proposal when viewed from within The Old Cottage. Given the distances and screening involved, the proposal would allow occupiers of this property to retain an adequate degree of outlook.
21. For the reasons given above, the proposal would have an acceptable effect on the living conditions of the occupiers of The Old Cottage, with regard to outlook. As a result, it would comply with SACS Policy CS.9 and NP Policy H4, which require that the amenities of occupiers of neighbouring properties are protected. It would similarly comply with the advice of the SPD. This matter is therefore neutral in the planning balance.

Living conditions – Future Occupiers

22. Each of the proposed dwellings would have a bedroom, walk-in wardrobes and a study within the roof space. Angled rooflights would provide light and outlook for the study but the flat rooflight within the bedroom would only provide views of the sky. However, a front dormer would serve one of the walk-in wardrobes of each of the proposed dwellings. The wardrobe would be only partially divided from the bedroom and close to it, such that it would serve occupiers of the bedroom. Consequently, those occupying the room would have a reasonable degree of outlook.
23. Accordingly, the proposal would provide adequate living conditions for its future occupiers with regard to outlook. It would therefore comply with SACS Policy CS.9. I find no conflict with NP Policy H4, which only refers to the amenities of neighbouring properties. Nor do I find conflict with the SPD, which does not make requirements relevant to this issue. As such, this issue does not affect the planning balance.

Other Considerations and Matters

24. The proposal would be close to services and facilities in the village, including the nearby railway station. Construction of it would make a positive economic

contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions. The proposal would result in small ecological advantages. However, being for three dwellings, a net gain of only two, these benefits would be modest and so I give them moderate positive weight.

25. The appellant has referred to amended plans which were turned away by the Council during its determination of the appeal application. However, I have focused my consideration on the plans before me, on which the Council made its decision.

Planning Balance and Conclusion

26. The proposal would be inappropriate development in the terms set out by the Framework. I attach substantial weight to this harm, and to the harm to openness, in accordance with Framework Paragraph 153. I also attach significant weight to the adverse effect on the character and appearance of the area.
27. For the reasons given above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore also conflict with SACS Policy CS.10.
28. For the reasons given, there would be conflict with the Development Plan, read as a whole and with the Framework. No other material considerations have been shown to have sufficient weight to outweigh this conflict. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR