



Appeal Decision

Site visit made on 2 December 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/J3720/W/24/3347002

3 Warwick Close, Studley, Warwickshire B80 7RE

- 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 W Stokes against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00493/FUL.
 - The development proposed is erection of 1 no custom build dwellinghouse and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended 'Proposed Site Plan' (Drawing Number 573 AR 331 001 Rev D) has been submitted with the appeal. This plan adds the indicative position of a proposed air source heat pump. An additional 'Comparison Elevations' plan (Drawing Number 573 AR 231 002) has also been submitted with the appeal. The amended and additional plans do not make a substantial difference to the layout or result in a fundamental change to the application, when compared to those upon which the Council made its decision. I am therefore satisfied that no party would be prejudiced by taking them into account.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide adequate living conditions for occupiers of the proposed dwelling with particular regard to outlook; and
 - the effect of the proposed development on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site (No 3) is located on a corner plot at the junction of Warwick Close and Eden Close. Warwick Close is a residential street, primarily fronted on both sides by two-storey, semi-detached dwellings and to a lesser extent

by bungalows. Eden Close is a residential street fronted on both sides by pairs of two-storey, semi-detached dwellings. Dwellings tend to be set back from the roadside behind similar sized front gardens in a linear arrangement with limited yet consistently sized spacing between buildings. There is an overall consistency in the materials, which include brickwork, render and/or cladding on facades and tiled roofs. Whilst there have been some physical alterations to dwellings in the vicinity, including extensions, there is an overall consistency in development rhythm and materials that gives the area a cohesive character and appearance.

5. No 3 is one half of a semi-detached pair fronting Warwick Road which alongside its attached neighbour, 1 Warwick Close, have an overall balance and sense of symmetry due to their similar form. The unified appearance of the pair alongside the spacing around the corner plot makes a positive contribution to the character and appearance of the area.
6. The proposed detached dwelling would front Warwick Road to the side of No 3 and would sit forward of the front elevations of dwellings on the same side of Eden Close. There are no other two-storey detached dwellings along Warwick Close or Eden Close. Even accounting for the setback of its frontage which correlates with the building line along Warwick Close,⁹ and the inclusion of similar design features to No 3, the form and layout of the proposed development would unacceptably contrast with the pattern of development in the area. In particular, its detached form and two-storey scale and massing would result in an unacceptably dominant feature in the street scene, emphasised by its angled position which does not follow the linear pattern of dwellings along Eden Close. As a result, the proposed dwelling would result in an incongruous addition of built form on this prominent corner plot, out of keeping with the area.
7. The appeal site benefits from an extant planning permission (Council Ref: 23/02735/FUL) for a two-storey side extension and single storey garage. The appellant suggests that this has a larger built footprint than the appeal proposal. Even so, the submitted comparison elevations (Drawing No 573 AR 231 002) highlight the additional visible built volume of the proposed dwelling at first floor level. It is this built form in combination with the detached two-storey nature and obtrusive siting of the proposed dwelling that is harmful to the character and appearance of the area. As a consequence, the extant planning permission does not justify the specific harm that would result from the appeal dwelling.
8. I conclude that the proposed development would result in a harmful effect on the character and appearance of the area. In this regard, it would conflict with Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (CS) which requires high quality design by ensuring that the layout and orientation of development will be sensitive to the setting and existing built form.
9. The Council's decision notice refers to Policies CS.20 and AS.10 of the CS which relate to existing housing stock and buildings and countryside and villages. The Council's report additionally refers to Policies CS.5 of the CS relating to landscape. I find no particular conflict with these policies. This does not alter the harm identified in relation to Policy CS.9 of the CS.

Living conditions - outlook

10. The windows in the rear elevation of the proposed dwelling would face towards the side elevation of 1 Eden Close. The rear elevation of the proposed dwelling would contain patio style doors and ground floor window serving an open plan kitchen, diner and living room and a first floor bathroom and bedroom window.
11. Part F of the Council's Development Requirements SPD (2019) states that a separation distance of 13 metres between windowed elevations and an opposing gable end wall is required (back to side as summarised in Table F1). Such separation distances are required to help ensure that both windows and gardens are not unreasonably affected. The Council suggests that the proposed separation distance falls short of this requirement at 9 metres.
12. However, all of the main habitable room windows in the proposed dwelling would also be served by secondary windows. In the case of the open plan kitchen, diner and living room, this would have an additional window on the side and front elevation of the proposed dwelling. The bedroom window would have an additional window on the side elevation of the proposed dwelling. The Council have suggested that any side windows should be obscure glazed for privacy reasons in their suggested conditions list. However, given the separation distance to the front of 2 Eden Close (No 2) on the opposite side of the road, such a condition would not be necessary as there would be a sufficient separation gap to ensure no loss of privacy. Furthermore, the proposed garden would wrap around two sides of the proposed dwelling. Outlook from the garden and ground floor windows would be slightly contained by the boundary treatment. Outlook from first floor level would be less restricted. Overall, the occupiers would be afforded an adequate open and spacious outlook, over the boundary treatment and to the sides of existing buildings.
13. I conclude that the proposed development would provide adequate living conditions for occupiers of the proposed dwelling with particular regard to outlook. In this regard, it would not conflict with Policy CS.9 of the CS insofar as it requires proposals to ensure a good standard of space and amenity for occupiers. Even so, this does not overcome the harm identified in relation to the effect of the proposed development on the character and appearance of the area.

Living conditions – noise and disturbance

14. The Council have suggested that there is insufficient information with regards to the location and specification of the proposed air source heat pump. However, the plans suggest that this may be positioned on the side of the proposed dwelling away from the nearest neighbouring dwellings and closest to the road. Noise emitted from air source heat pumps would likely vary depending on make and model. On this basis, a suitably worded condition requesting precise details of the proposed air source heat pump, to be agreed by the Council prior to its installation, would ensure that the noise associated with the pump would not generate unacceptable levels of noise for occupiers of the nearest neighbouring dwellings.

15. Subject to a condition, I conclude that the proposed development would not have an unacceptable effect on the living conditions of nearby residents with particular regard to noise and disturbance. In this regard, it would not conflict with Policy CS.9 of the CS insofar as it requires proposals to avoid unacceptable impact on neighbouring residents. However, such a condition would not address the harm identified in relation to the effect of the proposed development the character and appearance of the area.

Other Matters

16. The evidence before me suggests that the Council have a shortfall in the supply of self-build and custom build houses (SBCH) required by the provisions of the Self-Build and Custom Housebuilding Act (2015) (the Act). The proposed development has the potential to make a modest contribution to meeting the Council's requirement in this respect. However, there is no suitable mechanism before me by which to secure the site for development which meets the provisions within the Act. Even if there was, this would not provide justification for development which would result in harm to the character and appearance of the area and conflict with the development plan.
17. My attention has been drawn to a recent appeal decision (Ref: APP/J3720/W/23/3336035) for four SBCH dwellings. However, this appeal differs from the appeal proposal insofar as it related to an application for permission in principle and the scope of considerations in this appeal were limited to location and land use only. Accordingly, the circumstances of that appeal decision were therefore materially different to the proposed development before me.
18. The local context analysis of Studley (Drawing No 573_AR_930_001) comprises photographs and aerial images of dwellings on Morgan Close, Stapleton Road, St Agnes Close, Knottesford Close and Node Hill Close. This show examples of staggered or stepped in building lines on road junctions within the area. However, they are not located on Warwick Close or Eden Close and I am not aware of the full planning circumstances behind the examples given including whether they were dwellings built on windfall sites on similar corner plots to the appeal proposal or whether they form part of a planned estate design. Therefore, even if staggered or stepped building lines have been approved elsewhere, there is no precedent that justifies the harm identified at the appeal site location.
19. The proposal would provide adequate outdoor amenity space to facilitate native planting, growing of food, cycle storage, a rainwater butt, electric vehicle charging point and a bird box. Hard surfaces would be permeable, and the proposed dwelling would be constructed to modern standards including through measures such as high specification insulation and LED lighting. The proposal would also increase natural surveillance of the street. Matters relating to highway safety, parking and the natural environment are not in dispute. However, such factors do not justify the harm identified. Nor does the lack of objections from local residents or other interested parties.
20. The Council's handling of a previously withdrawn planning application and views of a previous planning officer are not matters within the scope of this appeal. Even though there are typographical errors in the Council's report, the Council's reasons for their decision are clear and has not affected decision which

is based on the site-specific circumstances of the appeal proposal, the development plan and my own planning judgement.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR