



Appeal Decision

Site visit made on 10 December 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

Appeal Ref: APP/J3720/W/24/3351690

Cartref, Headland Road, Welford On Avon, Warwickshire CV37 8ER

- 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 Spencer Gill Developments Limited against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00684/FUL.
 - The development proposed is demolition of the existing dwelling and the erection of three new dwellings with parking, landscaping and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of the existing dwelling and the erection of three new dwellings with parking, landscaping and associated works at Cartref, Headland Road, Welford On Avon, Warwickshire CV37 8ER in accordance with the terms of the application, Ref 24/00684/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A Transport Technical Note (TTN) and Noise Assessment were submitted at the outset of the appeal. While not before the Council and interested parties at the time of refusal, they have had opportunity to comment on these and therefore would not be prejudiced by my 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,
 - The effect of the proposed development on the living conditions of the occupiers of Two Chimneys with regard to disturbance and privacy and Orchardside with regard to privacy and outlook,
 - The effect of the proposed development on highway safety, and
 - The effect of the proposed development on public health with regard to waste storage.

Reasons

Character and appearance

4. There is a mix of property styles and sizes in the street. This includes examples of 2 storey properties adjacent to bungalows, such as at the appeal

site at present. There are also large properties in the cul-de-sac behind. As such, the change in heights between the proposed properties and of those around them would not be out of keeping.

5. The proposed properties would not match the design and appearance of each other or those around them and features like a double gable are not prevalent. Nonetheless, differing designs on properties adjacent or behind is common. This includes roof types, bulk and features. The proposed designs and materials draw on aspects of nearby properties and any new features would not be discordant given the varied appearance of the built form in the area.
6. There is linear frontage development along Headland Road, some having lengthy rear gardens. However, there are several instances where properties are located behind frontage plots, often in small groups or clusters. These are frequently in smaller plots and can be seen from the street as you pass along Headland Road. While these are not of the same layout and orientation as the appeal scheme and do not use the same access as the frontage property, they form part of the varied grain of development nearby. The presence of properties behind the frontage ones, including many larger than in this scheme, and obvious from Headland Road, would not be untypical. The size of the proposed gardens would be comparable with other properties nearby so the scheme would not appear cramped.
7. The properties themselves would also not dominate the street scene or appear separate due to their scale and proximity to existing large dwellings. Plot frontages are typically used for parking and frequently hard surfaced, with differing amounts of boundary screening. The presence of parking across much of the front of the appeal site would therefore not appear out of keeping or suggest over development.
8. The scheme would retain the verge to the front of the site and much of the existing roadside hedgerow. The current property, while lower, covers much of the plot width at present. The proposed frontage dwelling would have the access road to one side leaving greater space to the adjacent bungalow. The building line would sit between that of the adjacent properties. Therefore, the spaciousness of the streetscene would not be eroded and views of properties to the rear would not be incongruous.
9. A number of trees that currently form part of the landscape features found behind the frontage dwellings would be removed, none of which are protected. However, many of the larger and higher quality trees along the boundary of the site would be kept and protected. Some of those to be removed are low level, and while they can be seen from adjacent properties, add little to the wider area and are not prominent from the nearby streets. The small degree of harm would be offset by further planting at the site. It would not appear over development as at present not all rear areas have the same level of greenery.
10. Moreover, there would be planting along boundaries and within the site. This would soften the appearance of the hard surfaced areas. Frequent breaks in the roadside vegetation for driveways and access points, some of which are a similar size to that proposed, are not unusual. Final details of the species to be planted would be addressed by condition to ensure they are suitable for the different areas of the site and the spaces they have to grow. Such a scheme would ensure the verdancy of the area is retained.

11. The location of the bin store to the front of the building line of the rear properties would be contrary to the SPD¹. However, the storage would be set back from that of the frontage property and not be of a significant size. There was no obvious separate bin storage area at the existing property or many nearby. Therefore, the presence of bins to the side of or behind a frontage property would not be unexpected. The proposed stores would also be largely screened in views from the street by planting and only seen in passing glimpses. As such, it would not be prominent or detract from the streetscene.
12. Consequently, the proposed development would not harm the character and appearance of the area. It would accord with Policies AS.10, CS.5 and CS.9 of the Core Strategy² and Neighbourhood Plan³ Policy HLU2. These in part, seek to ensure design quality, reflecting the character and distinctiveness of the locality and include appropriate landscaping.

Living conditions

13. There would be views from windows in the proposed rear properties towards Orchardside and Two Chimneys. However, while from a different direction, there are already windows at existing properties that allow views into parts of the garden areas of both properties. In addition, the views would be angled to some degree and would be filtered by the existing and proposed boundary treatments and vegetation. Whether the distances meet the SPD or not, I observed that there would be sufficient separation to prevent any significant overlooking and privacy levels would be comparable to others nearby.
14. The outlook from ground floor side elevation windows at Orchardside is already, and would mostly remain, of the boundary hedgerow. The proposed frontage dwelling would be clearly seen in the outlook from the upper floor side elevation windows. However, there would be other windows in these rooms giving an alternative outlook from the room away from the frontage dwelling. While higher than the existing building, the proposed frontage one would be set further forward in the plot and the rear section set in from this boundary. Therefore, there would be an outlook away from and beyond the proposed dwelling from these rooms.
15. The access road would run close to the boundary with Two Chimneys and there are windows on the elevation facing the appeal site. Notwithstanding this, while there would be less separation than at present, the existing driveway, parking, main entrance and garages are in a similar position. As such, there would already be some activity in this area which could be at any time of day or night.
16. There would be a limited number of vehicles needing to pass the site with only 2 properties to the rear so no significant additional noise or disturbance along this boundary. There is an existing fence and further planting would also reduce the effect of any noise and light from the vehicles and other comings and goings near the boundary with Two Chimneys.
17. Consequently, the proposed development would not harm the living conditions of the occupiers of Two Chimneys with regard to disturbance and privacy and Orchardside with regard to privacy and outlook. It would accord with Policy

¹ Stratford-on-Avon District Design Guide

² Stratford-upon-Avon Core Strategy 2011-2031

³ Welford on Avon Neighbourhood Development Plan 2011 to 2031

CS.9 of the Core Strategy and Policy HLU5 of the Neighbourhood Plan where they state occupants of neighbouring buildings, and their amenity will be protected from unacceptable levels of noise, privacy, and adverse surroundings.

Highway Safety

18. There are already several properties and a school near the site. There would be greater traffic movements around school times. However, given the number of additional properties proposed, the extra movements generated by the scheme would be small and would mean few instances of further movements at these busier times. As such, the scheme would not have an adverse effect on traffic flow.
19. Where the driveway for the frontage plot adjoins the access road, visibility towards the rear of the site would be reduced by planting and the bin store. Nevertheless, due to the small number of properties to the rear and therefore limited traffic movements, conflicts would be unlikely. Moreover, the road alignment, size and distances involved would mean that traffic speeds would be low. Consequently, drivers, riders and pedestrians would have sufficient time and space to seek refuge or wait if needed. For the same reasons, and the limited occasions when it would be used, occupiers would not be discouraged from using the bin store.
20. The requirement for visitor parking would be less than 1 space for the development as a whole. While no designated parking space is provided, on site spaces at 2 of the properties for their occupiers would exceed the relevant standards when including the garages. While not in accordance with the SPD, on plot parking could be used for visitors to these properties.
21. There would likely be some parking congestion experienced on Headland Road at times with the school opposite the site. However, this would only be periodically during the day and week. At the time of my site visit during the middle of the day, which I appreciate is only a snapshot in time, there was space to park on the road and much of the road was not subject to parking restrictions. Therefore, even if there was a need to accommodate visitor parking associated with the proposed development, this could be achieved on street nearby without causing a danger to road users.
22. Given the space within the plots and parking arrangements sufficient cycle parking and electrical charging points could be provided. Details of these can be addressed by condition.
23. Refuse vehicles would not need to enter the site due to the proximity of the bin storage area to the road. The TTN demonstrates that typical delivery vehicles would be able to turn within the site. There is no compelling evidence of larger vehicles needing to enter the site. As such, vehicles could enter and exit the site in a forward gear.
24. There is a footway with verge behind it before the frontage boundary hedgerow. This would allow sufficient visibility for vehicles and pedestrians to see those emerging from the site access along the relatively straight and level Headland Road. Visibility would be comparable with the other numerous access points along the road so pedestrians would be aware of the potential

for vehicles crossing the footway. Being a slim object, the telegraph pole would not harmfully obstruct these sight lines.

25. Therefore, the proposed development would not harm highway safety. It would accord with Policy CS.26 of the Core Strategy where it states that parking provision should reflect local circumstances and avoid unacceptable impact on highway safety.

Public Health

26. From my reasoning above, the refuse storage areas would be accessible and use of them would not be discouraged by their proximity to the access road. The location of the area is appropriate for residents to move their refuse to and sufficiently close to the road for it to be collected without undue delay or inconvenience. Therefore, the areas would be used, and the scheme would not lead to a build-up of refuse.
27. As such, the proposed development would not harm public health with regard to waste storage. It would accord with Policy CS.9 of the Core Strategy where it requires a good standard of amenity, including health.

Other Matters

28. The proposal would lead to some reduction in light to rooms at the adjacent properties. However, given the separation distances involved, existing boundary treatments and built form, and that other openings serve some of these rooms, sufficient daylight and sunlight would still be able to enter them.
29. Properties located off Purbeck Close would be sufficient distance from the site to prevent the rear plots, which would be lower than those adjacent, from being overbearing. There would be side elevation rooflights and rear windows at first floor on the rear properties. Nonetheless, retained and proposed boundary treatments and landscaping along with separation distances would also prevent harmful overlooking and there are already views between properties, their gardens and the appeal site at present. While there would be some additional light from the development, there are already a number of residential properties around the site. Therefore, lighting would not be unexpected or harmful in this context.
30. Conditions are imposed regarding boundary treatments, levels and landscaping. These would ensure existing features to be retained are protected and that appropriate living conditions were maintained at nearby properties.
31. I have not been provided with full details of other schemes that have been highlighted. From the details provided they were for a different scale of development, did not include the same mix of properties and would have been in a different context to the appeal before me.
32. While bungalows are supported and encouraged in the NP, no specific policy requirement has been put before me to indicate their loss is prohibited or that all new dwellings must be as such. The proposal provides a mix of dwellings sizes. Although new developments may have exceeded those set out in the development plan for the area, housing numbers are not an upper limit. The proposal would be a form of infill development located between existing properties within the built-up area. The site would have reasonable access to services and facilities.

33. There is no clear evidence that infrastructure in the area, including the nearby school, would be overwhelmed by a scheme of this size. A condition is imposed regarding surface water disposal.
34. The proposal would lead to some loss of biodiversity features. The Preliminary Ecological Appraisal did not find any protected species or habitats at the site. Despite the age of the survey, there is no convincing evidence that the context and nature of the appeal site has altered to any significant degree since. Further details of the mitigation for any loss and protection of habitats and species such as nesting birds, including a financial contribution where needed are secured by conditions and planning obligation.
35. The site is located near the Welford-on-Avon Conservation Area (CA). The significance of this, in part, comes from the historic layout of the CA and traditional appearance of many of its buildings. The setting includes modern developments of varying layout, scale and design. Therefore, the setting makes little contribution to the significance. The appeal site, which currently has a property located on it, and with further properties around it, makes a neutral contribution to the significance of the CA. The proposal would increase the number of units but would not harm the character and appearance of the area. The proposal would be viewed and experienced with the CA as part of the existing mixed residential development and preserve the significance of the CA.

Conditions and Planning Obligation

36. In addition to the standard time limit condition, I have imposed one in relation to the approved plans in the interest of certainty. I have not included reference to the Design and Access Statement as it is not clear which elements adherence to it is necessary.
37. In the interest of highway safety and protecting the living conditions of nearby occupiers, a construction management plan is required and prior to the commencement of the development as it would relate in part to the initial works. To protect the character and appearance of the area, a condition requiring details of materials is needed. It has not been shown it is necessary for any future variation to require agreement from the local planning authority. Levels details are needed for character and appearance and living conditions reasons.
38. To support biodiversity and protect the character and appearance of the area conditions requiring a landscape scheme and biodiversity protection measures are imposed. Details are needed prior to commencement as the initial works may affect existing features and the Preliminary Ecological Appraisal, while making recommendations is not sufficiently precise.
39. To reduce energy consumption and promote sustainable construction a condition is necessary requiring details of such measures. Conditions relating to parking, access and turning, cycle provision and bin storage are imposed to prevent harm to highway safety, encourage different modes of transport and to protect living conditions of nearby and future occupiers. To prevent risks from flooding a sustainable drainage system and its future maintenance is conditioned. It has not been demonstrated that there are issues with the foul sewer in the area and therefore a condition requiring details of the connection is not necessary.

- 40. To prevent harm to archaeological interests a written scheme of investigation condition is imposed and is necessary prior to the commencement of development as this may be affected by the initial works.
- 41. It has not been shown that a condition relating to a water butt is necessary.
- 42. The completed planning obligation secures a biodiversity offsetting scheme. This would be based on the level of loss linked to the Defra Biodiversity Offsetting Metric and calculated based on the type of loss with regard to the SPD. This is necessary to ensure no loss to biodiversity because of the scheme. Therefore, the obligation would be fairly and reasonably related to the development proposed and it passes the statutory tests. The evidence before me indicates that the monitoring costs are fairly and reasonably related to the scale and kind to the development.

Conclusion

- 43. For the reasons given, I conclude that the appeal should be allowed.

Stuart Willis

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 drawing nos:
 - 23046-GNA-XX-XX-DR-A-0100-P03 Site Location Plan
 - 23046-GNA-XX-XX-DR-A-1200-P08 Plot 1- 4 Bed House
 - 23046-GNA-XX-XX-DR-A-1201-P07 Plot 2 - 3 Bed Bungalow
 - 23046-GNA-XX-XX-DR-A-1202-P06 Plot 3 - 2 Bed Bungalow
 - 23046-GNA-XX-XX-DR-A-2001-P06 Proposed Street Elevation
 - 23046-GNA-XX-XX-DR-A-0200 Proposed Site Plan - Rev M – Coloured.
- 3) No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan has been submitted to, and approved in writing by the local planning authority. 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 construction,
 - e. wheel washing facilities including the location of wheel washing facilities,
 - f. measures to control the emission of dust and dirt during construction.The approved Plan shall be adhered to throughout the demolition and construction period for the development.
- 4) No development shall take place, including any works of demolition, until the following information has been submitted to and approved in writing by the local planning authority:
 - a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; and
 - full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.The development shall be carried out in accordance with the approved details.
- 5) No development shall take place, including works of demolition, until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved programme.
- 6) No development shall take place, including works of demolition, until a scheme for biodiversity mitigation and protection, including a timetable for implementation and details of any features to be retained has been submitted to, and approved in writing by the local planning authority. The

development shall be implemented in accordance with the agreed details and timetable.

- 7) No development shall take place, including works of demolition, until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- planting plans and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting,
 - existing landscape features including trees, hedges and shrubs to be retained and/or removed,
 - location, type and materials to be used for hard surfacing, where applicable for permeable paving, and use within tree Root Protection Areas,
 - means of enclosures and boundary treatments,
 - updated Arboricultural Method Statement,
 - a scheme of management and/or maintenance and
 - a timetable for the implementation of the soft and hard landscaping scheme.

The landscaping works shall be carried out and managed/maintained in accordance with the approved details.

- 8) No development above slab level of any building which forms part of the development hereby permitted shall take place until details/samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
- 9) Prior to the occupation of any dwelling hereby permitted, a sustainable drainage system for the site shall be completed in accordance with details, including a management and maintenance plan, that have first been submitted to and approved in writing by the local planning authority. The system shall thereafter be managed and maintained in accordance with the approved details.
- 10) Prior to the occupation of any dwelling hereby permitted, sustainability measures for that dwelling, based on the 'Climate Change Checklist' shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter, the approved sustainability measures shall be retained in accordance with the approved details.
- 11) Prior to the occupation of any dwelling hereby permitted, cycle parking facilities for that dwelling shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter, the facilities shall be retained in accordance with the approved details.
- 12) Prior to the occupation of any dwelling hereby permitted, refuse storage facilities for that dwelling shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter, the facilities shall be retained in accordance with the approved details.

- 13) Prior to the occupation of any dwelling hereby permitted, vehicle parking spaces including the garage space for that dwelling shall be provided in accordance with Drawing No 23046-GNA-XX-XX-DR-A-0200 Proposed Site Plan - Rev M – Coloured. Thereafter, the spaces shall be retained in accordance with the approved details.
- 14) Prior to the occupation of any of the dwellings hereby permitted, the access, sight lines and turning areas shall be constructed in accordance with Drawing No 001 Rev P11 Visibility Splay Assessment and thereafter retained as such.

END OF SCHEDULE