



Appeal Decision

Site visit made on 1 September 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025.

Appeal Ref: APP/J3720/W/25/3368260

11 Burbage Avenue, Stratford-upon-Avon, Warwickshire CV37 0DU

- 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 Poolton and Pearce against the decision of Stratford-on-Avon District Council.
- The application Ref is 25/00258/FUL.
- The development proposed is increase in width of existing dropped kerb, change of use of amenity land to residential and proposed extensions and alterations to dwelling.

Decision

1. The appeal is allowed, and planning permission is granted for increase in width of existing dropped kerb, change of use of amenity land to residential and proposed extensions and alterations to dwelling at 11 Burbage Avenue, Stratford-upon-Avon, Warwickshire CV37 0DU in accordance with the terms of the application, Ref 25/00258/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The description of development in the banner heading above is different to the description specified on the planning application form and the Council's decision notice. However, the description in the banner heading above was agreed by the main parties during the application process. I have therefore determined the appeal based on the revised agreed description.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and the area; and
 - protected species, specifically bats.

Reasons

Character and appearance

4. The appeal site comprises a two-storey semi-detached dwelling which occupies a corner plot position at the junction of Burbage Avenue and Rowan Close on a housing estate in the town. There is a large, open grassed verge to the side of the property.
5. The surrounding area is characterised by a mix of two-storey detached and semi-detached houses. The existing houses in the area have open front gardens and / or parking areas. The houses are largely set within uniform plot sizes but properties which occupy a corner plot position are set within more generous plots and the

housing estate has a spacious and verdant appearance, with a suburban residential character.

6. Many of the dwellings which occupy corner plots have side extensions and boundary fences that are positioned near to the road. The proposed development would result in a similar arrangement. Indeed, the proposed two storey extension would extend over the generous open grassed verge to the side, and a new boundary fence would be erected closer to the road, extending the private garden of the appeal property. As a consequence, a large proportion of the grassed verge would be lost.
7. The amount of space to the side of the existing property is not reflected elsewhere within the area. Therefore, the proposed development and the loss of the large, open grassed verge would not be out of keeping with the pattern of development locally. Furthermore, the new boundary fence would be set back off the pavement edge, with a small strip retained as grass. This would largely be comparable to other corner plots in the locality, and the wider open character of the estate would be preserved.
8. The side wall of the proposed extension would be built closer to the road, but the extension would still be set a reasonable distance from the road. A number of windows are proposed in the gable to add visual interest into the elevation and avoid an expanse of brick work. The proposal would also avoid a tall boundary fence running the length of the new boundary line, with a partial hedgerow incorporated into its design.
9. Like many other corner plots in the surroundings, the small strip retained as grass to the side could be planted with trees and shrubs as part of a soft landscaping scheme. The prior approval and implementation of the scheme could be secured by a suitably worded planning condition, which would be reasonable and necessary to ensure that a visual enhancement can be achieved.
10. While concerns are raised about the introduction of an additional garage door into the front elevation of the house, this would not be an unusual arrangement in a suburban residential area such as this.
11. Overall, the proposed extension would have a subordinate design that would not be dominant and the change of use of land would not be incongruous within the context of the existing pattern of development within the area, following similar developments undertaken.
12. For the reasons outlined above, I conclude that the proposal would not harm the character and appearance of the host property or the area. As such, the proposal would accord with Policies CS.9 and CS.20 of the Stratford-on-Avon Core Strategy 2011 to 2031 (the CS) and Policies H5, BE2, BE5 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031. These together and amongst other things, seek proposals which are sensitive to the setting and existing built form, which reflect and preserve the character and distinctiveness of the locality.

Protected species

13. The front elevation of the house has a design feature comprising hanging wall tiles below the first-floor windows. The Council suggest that the hanging tiles could offer a potential roost feature for bats.

14. Although an assessment of the suitability of the building for roosting bats has not been undertaken, the property is located within an established built-up area and is of a relatively modern construction. The hanging wall tiles are also set away from the existing side gable and the construction works for the proposed development are unlikely to disturb that part of the front elevation. Therefore, without any substantive evidence to the contrary, the proposed development is unlikely to have an adverse effect on bats. In these circumstances a planning condition to secure further details is not reasonable or necessary.
15. Consequently, on the evidence before me, I conclude that the proposal would not cause unacceptable harm to protected species, specifically bats. Accordingly, it would not conflict with Policy CS.6 of the CS, which seeks proposals which minimise impacts on biodiversity.

Other Matters

16. An objection to the proposal has been received from a neighbouring occupier, which in addition to the effect of the proposal on the character and appearance of the area, includes concerns regarding an overbearing impact to neighbouring living conditions. These factors are not in dispute between the main parties and were addressed in the Councils delegated officer report, with the Council concluding that there would be no material harm in this regard. Due to the juxtaposition of the proposals with neighbouring properties, I agree with the main parties. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.
17. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for biodiversity net gain (BNG), and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met.
18. The planning application was supported by a BNG Assessment and based on the evidence before me I have no reason to conclude that the BGC could not be achieved in this instance.

Conditions

19. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance (the PPG). In addition to the condition set out in the main issues, and the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. A condition to secure that the external materials, relating to the proposal, match those of the existing dwelling, is also necessary in the interests of safeguarding the character and appearance of the host property and the surrounding area.
20. A condition to secure the implementation of the sustainability measures set out within the supporting 'Climate Change Checklist', prior to the occupation of the development is reasonable and necessary in the interests of providing a sustainable development.

21. I have not imposed the Council's suggested condition requiring the prior approval of external lighting as the site is within the town, on an established housing estate and in this context, it would not be reasonable or necessary.
22. Although I have not included the Council's suggested condition regarding a public highway footway crossing, as this requires separate agreement from the Highways Authority, I have imposed a condition requiring the parking spaces to be provided and retained on the site frontage. This is necessary to ensure an acceptable level of off street car parking is achieved and retained for the proposed development in the interests of highway safety.
23. The general BGC has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Act. On this basis, the PPG strongly encourages decision makers to not include the BGC, or the reasons for applying it, in the list of conditions imposed in the written notice when granting planning permission. Based on the submitted evidence, I am satisfied that the required BNG could be met and so in allowing the appeal, the proposal is subject to the statutory pre-commencement BGC.

Conclusion

24. For the reasons given above the appeal should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered: 23-548-12a; 23-548-13a; 23-548-14a and 23-548-15a.
- 3) No development above ground level shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the development, whichever is the sooner. Any trees or plants which, within a period of five years, die, are removed, or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for any variation.

- 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 23-548-14a. Thereafter those spaces shall be retained for the parking of vehicles only.
- 5) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building or those specified on the approved plans.
- 6) Prior to the first use of the development hereby permitted, the sustainability measures set out within the supporting 'Climate Change Checklist' shall be incorporated into the design of the development and / or site layout as relevant. Thereafter, the approved sustainability measures shall be retained as such.