



Notice of Decision

REFUSAL

Town and Country Planning Act, 1990
Town and Country Planning (Development Management Procedure) Order, 2015

Mr Martin Smith
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Stoneleigh
Stoneleigh
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CV8 3DD

THE STRATFORD-ON-AVON DISTRICT COUNCIL, having considered the application for permission to develop land at:-

3 Leys Close, Northend, CV47 2TD,

Submitted by: Mr Marc Curtis

Received by the Council on 2 August 2018

HEREBY GIVE YOU NOTICE that PLANNING PERMISSION is REFUSED for the following development, namely:-

Proposed first floor extension over the garage and kitchen, and extension to the rear.

The reason(s) for the Council's decision to refuse permission for the development are:-

1. Core Strategy Policy CS.9 sets out that 'all forms of development will improve the quality of the public realm and enhance the sense of place, reflecting the character and distinctiveness of the locality.' In addition Core Strategy Policy CS.12 also states that Development proposals relating to settlements that lie within a Special Landscape Area must respect the current and historic relationship of that settlement within the landscape. Lastly Core Strategy Policy CS.20 states that all 'alterations and modifications to existing buildings and dwellings, including proposed extensions, outbuildings and annexes, will be of an appropriate scale and subservient in relation to the existing building, taking into account the site location and the cumulative impacts of previous extensions and development on the site where appropriate. In the opinion of the district planning authority the proposals are considered to cause overdevelopment of the plot by reason of its siting and scale resulting in a form of development which is out of character to the scale and appearance of the dwelling. Consequently some harm arises to the Special Landscape Area owing to the dwelling sitting on the rural edge of the village. As a result the proposals would therefore be

Case Officer: Ryan O'Keeffe
Reference No. 18/02312/FUL



contrary to Policy CS.9, CS12 and CS.20 of the Core Strategy, and the advice contained within the Stratford-on-Avon District Design Guide and Extending Your Home document.

2. Core Strategy Policy CS.26 C. Parking Standards sets out that all 'Parking provision will reflect local circumstances and have regard to the need to promote sustainable transport outcomes. Development should not have excessive on-site parking but provision will need to be sufficient in relation to an individual scheme to avoid unacceptable impact on the amenity of the local area or highway safety'. In addition the Draft Stratford-on-Avon District Development Requirements Supplementary Planning Document Part D4 Parking Design states that Garages will only be acceptable as a car parking space and cycling store if they are at least 7.0m long and a minimum width of 3.5m (3.15 between piers) and have a door width of at least 2.4 metres. These dimensions provide sufficient space to access a car and reasonable amount of space for cycle, garden and household storage. The garages to be retained as part of proposals would fail to meet the standards set in the draft SPD and as a result would increase pressure on existing parking within the close and the wider area contrary to policy CS.26.

DATED 18 January 2019



AUTHORISED OFFICER OF THE COUNCIL.....

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS FORM

STRATFORD-ON-AVON DISTRICT COUNCIL
ELIZABETH HOUSE, CHURCH STREET, STRATFORD-UPON-AVON CV37 6HX

PRE-START CONDITIONS

You are reminded that some of the conditions attached to planning permissions (pre-start conditions) require details and schemes to be submitted and approved in writing before any work commences on site. You should therefore submit any details required at least 8 weeks prior to starting work and obtain the Council's written approval, if required, in order to comply with the planning condition.

Failure to comply with pre-start conditions may result in your planning permission being void.

FEES FOR THE DISCHARGE OF PLANNING CONDITIONS

In accordance with Statutory Instrument 958, a fee is now payable where a written request is made for the discharge of one or more planning conditions on the same permission or for the written confirmation of compliance with a planning condition or conditions. Further guidance on this process together with the associated fees is available on the Council's website

<https://www.stratford.gov.uk/planning-regeneration/the-application-process.cfm>

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning Inspectorate under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice. For appeals against the refusal of Householder applications (i.e.: works to a dwelling or development within the garden of a dwelling) or Minor Commercial Development you must lodge your appeal within **12 weeks** of the date of the decision.

If the development is the same (or substantially the same) as that specified in an Enforcement Notice served on the same land, an appeal must be lodged within

- A) 28 days of the date of the planning decision if there is an extant Enforcement Notice served up to 2 years prior to the date of the decision
- B) 28 days of the date of the Enforcement Notice if the Notice is served after the date of the decision of the planning application for the same development

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Planning Inspectorate can allow a longer period of giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements to the provisions of the Development Order and to any directions given under the Order.

In practice, the Planning Inspectorate does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Planning Inspectorate refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in Part V of the Town and Country Planning Act 1990.

ADDRESSING YOUR NEW BUILDINGS

When you require the address(es) for this development contact "Street Naming and Numbering" at Stratford-on-Avon District Council, either by post or email 3720snandn@stratford-dc.gov.uk. You need to do this 6 weeks before utility contacts are required.

There will be an administrative charge for this service.

Information to include in your request can be found on www.stratford.gov.uk