

Appeal Decision

Site visit made on 14 September 2016

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd September 2016

Appeal Ref: APP/J3720/D/16/3153280

1 Lansdowne Crescent, Studley, Warwickshire B80 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R. Tookey against the decision of Stratford on Avon District Council.
 - The application Ref 16/00358/FUL, dated 26 January 2016, was refused by notice dated 26 May 2016.
 - The development proposed is a side two storey extension, single storey garage and vehicle access to new hard standing.
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Decision

1. The appeal is allowed and planning permission is granted for a side two storey extension, single storey garage and vehicle access to new hard standing at 1 Lansdowne Crescent, Studley, Warwickshire B80 7RJ, in accordance with the terms of the application, Ref 16/00358/FUL, dated 26 January 2016, subject to the following 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 the following approved plans: Took 01.01; Took 01.02 Rev A and Took 01. 03.
 - 3) 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.
 - 4) The first floor window in the rear elevation of the two storey extension shall be obscurely glazed and non-opening below a height of 1.7m above internal floor level and permanently retained as such at all times.

Preliminary matters

2. The Council has advised that the Stratford on Avon District Core Strategy (CS) was adopted on 11 July 2016 and that the policies contained therein now carry full weight for decision making purposes. As CS Policy CS.9 is referred to in the Council's decision notice, no party is prejudiced by this updated development plan position.
 3. It is also clarified that that the Policies within the Stratford-on-Avon Local Plan Review (2006) (LPR) are now considered to carry no weight for decision making purposes. Accordingly I have not considered LPR Policy DEV.1 further.
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Main Issue

4. The main issue is the effect of the proposal on the living conditions of the neighbours at No 60 Lansdowne Road in terms of outlook, privacy and sunlight.

Reasons

5. The appeal relates to No 1 Lansdowne Crescent, which is a two storey detached dwelling house, located on the corner with Lansdowne Road. The position of the main south western side of the appeal dwelling corresponds roughly with the rear elevation of No 60 Lansdowne Road. The proposed two storey extension and single storey garage would be positioned on this south western side elevation and would replace a side entrance way, garage and conservatory.
6. Whilst I note that No 1 is set at a slightly higher ground level than No 60, the two storey extension would nevertheless be set back 3.5m from the boundary of the appeal site. It would also be of relatively modest width with a roof pitch which slopes away from No 60. Taking these factors into account, I do not consider that the proposed extension would appear unduly dominant or overbearing when viewed from the rear garden of this neighbouring property. Furthermore, the positioning of the flat roof garage would also ensure that a gap is retained to the side of the extension and No 3 Lansdowne Crescent, thereby retaining in part an open aspect above.
7. Having regard to the north western orientation of the extension in relation to the garden area of No 60, the proposal would not result in any material overshadowing effect on that property. The Council has also confirmed that the two storey extension would not infringe any 45/25 degree sightlines from the middle of the nearest habitable room window of the neighbour to the side or rear.
8. As regards any effect on privacy, I note that the first floor rear window would serve an en-suite bathroom. Accordingly, I consider that the privacy of adjacent occupiers could be adequately safeguarded by a condition requiring obscure glazing and limiting the window's ability to open, thereby preventing opportunity for overlooking.
9. I therefore conclude on this main issue that the proposal would not have a significant effect on the living conditions of the occupiers of No 60 and thus would comply with CS Policy CS.9, which states, amongst other matters, that occupants of new and neighbouring buildings will be protected from loss of daylight and privacy and adverse surroundings.
10. It follows therefore that I do not find conflict with paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

11. I have noted the concern regarding highway safety, however, I was able to observe that there is already a vehicular crossover in front of the appeal property serving a double driveway. This would be retained and the garage repositioned. I do not therefore envisage any highway safety issues arising.

12. I note that the area is predominantly characterised by semi-detached properties and in this regard the appeal dwelling is an exception. However, being set back from the front elevation at first floor level and set down from the main ridgeline, the extension would be sufficiently subservient to the host dwelling and would not result in an unduly large detached property such that would be harmful to the character and appearance of the area. Furthermore, the positioning of the proposed garage and the side garage of No 3 Lansdowne Crescent would also ensure that the proposal would not result in a terracing effect.
13. Moreover, even with the proposed development in place, the appeal property would still benefit from a relatively spacious setting to its frontage and eastern side such that it would not result in an over development of the site or result in any significant loss or scope for landscaping.
14. Whilst concern is expressed that the dwelling would be converted into flats, this is not the proposal currently before me.

Conditions

15. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. In order to protect the character and appearance of the area, I have imposed a condition requiring the external materials used in the development to match those used in the existing building.
16. Although the Council's questionnaire does not specify any further conditions as being necessary, as explained above, a condition requiring obscure glazing of the first floor window in rear elevation of the extension and restricting the extent that the window can open is necessary, in order to safeguard privacy. This is also raised in the Council's Committee Report and as such, its imposition to protect the living conditions of the occupiers of No 60, would not be prejudicial to any party.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Richard S Jones

Inspector