

Appeal Decision

Site visit made on 23 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 27 September 2016

Appeal Ref: APP/T3725/D/16/3157068

10 Meadow Close, Off Epsom Road, Leamington Spa, Warwickshire CV32 7AS

- 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 and Mrs Tekin/Samllye Moustafa against the decision of Warwick District Council.
 - The application Ref W/15/1737 was refused by notice dated 4 May 2016.
 - The development proposed is described as the erection of a first floor extension.
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Application for costs

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

4. The appeal property is a 2-storey detached house with a single storey front and side projection. It stands within a residential cul-de-sac along which properties are similar in age and style although vary in scale and general appearance partly due to various external alterations and extensions that have been carried out. Consequently, there is some variety in the existing built form within the local street scene to which No 10 belongs, which the appellant's photographs clearly show and as I saw at the site visit.
 5. The proposal is to erect a first floor extension above the existing front and side projection with two pitched roof dormers placed onto the new rear roof slope and two roof lights inserted on the front roof slope. The gable wall of the new addition would be set back from the shared boundary with the adjacent property, which is 8 Meadow Close. The new ridgeline would be no higher than that of the host building with the first floor front windows set partly above the eaves level and the external materials to match those of the existing dwelling.
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6. Nevertheless, the proposal would significantly add to the scale and bulk of the host building and result in a larger property with much wider 2-storey front and rear elevations. The relatively long ridgeline of the new addition running parallel to the road would visually accentuate the additional built form as would its position, projecting noticeably forward of the main 2-storey front wall.
7. The proposal would follow the front building line of the existing front and side projection, which similarly steps forward of the main house, as does the front wall of No 8. However, the extra built form would cause this part of the finished building to relate poorly to the scale and proportions of the existing 2-storey house. Most notably, the proposal would dwarf the front 2-storey bay and gable and thus detract from these distinctive features of the original house. Unlike the existing front and side projection, the scale and mass of the proposal would visually dominate the main house and overwhelm its front façade. In doing so, the new built form would exacerbate the imbalance in the front elevation caused by the existing front and side projection. For these reasons, I consider that the appeal scheme would be an incongruous addition.
8. Existing vegetation within the plot would partially screen the proposed development in views from the road. Nevertheless, the full extent of the new 2-storey front elevation would be largely evident from in front of the site. In these views, the considerable scale and mass of the appeal scheme and its awkward relationship to the original house would be obtrusive even among the varied built form that exists in the local street scene.
9. From what I saw, the changes made to other properties in the local area, which include first floor additions, dormers and hip to gable alterations have respected the character and appearance of the original dwelling and blended into their street scene with varying degrees of success. Few background details have been provided of these developments or those cited by the appellants and so I cannot be certain that their circumstances are similar to the proposal. With regard to the extension at No 8, which differs in design and scale to the appeal scheme, the Council states that its decision to grant planning permission predates its current planning policies. I also note that the description of the approved development at 31 Meadow Close does not refer to a first floor addition. Consequently, these cases are not directly comparable with the proposed development. In any event, each case should be assessed on its own merits.
10. Reference is also made to the Council's previous decision to grant planning permission to extend No 10 on several occasions, the most recent of which was in 1996, which is hereafter referred to as the 1996 scheme. From the approved plans, the design of the 1996 scheme significantly differs to the proposal in that it includes a new front gable, a hipped roof with the new first floor element set back from the ground floor and behind a mono pitched roof. Given these differences, it could not reasonably be regarded as the same scheme, as the appellants suggest.
11. The Council's decision in 1996 also predates the adoption of the Warwick District Local Plan 1996–2011 (LP), the Council's Supplementary Planning Guidance, *Residential Design Guide* (RDG) and the National Planning Policy Framework (the Framework). Together, these documents form part of the planning policy framework within which current proposals should be assessed.

Consequently, there are notable differences between the 1996 scheme and the proposal such that they are not directly comparable.

12. The appellants also assert that the 1996 scheme has been implemented. However, few details have been provided to clearly demonstrate that development was begun within 5 years of the permission, as required by condition 1 of that permission. Therefore, I am unable to conclude from the evidence before me that the 1996 planning permission has not lapsed or that it is a genuine and realistic fallback position if this appeal were to be dismissed. For all of these reasons, I am unable to attach more than limited weight to the 1996 scheme in support of the appellants' case.
13. On the main issue, I therefore conclude that the proposed development would significantly harm the character and appearance of the local area. Accordingly, it conflicts with LP Policy DP1 and the RDG. This policy and guidance note that development will only be permitted where it positively contributes to the character and quality of its environment through good layout and design. The proposal is also at odds with the Framework, which emphasises the importance of securing good design and for development to respond to local character and to add to the overall qualities of an area.
14. The completed building would provide valuable additional living space for the appellants, which would improve their living conditions. I also note that the proposal was amended prior to the Council's determination of the application with a considerable amount of time and effort spent by the appellants in refining the scheme to achieve a more favourable outcome. However, these considerations do not outweigh the significant harm that I have identified.
15. Reference is made to Policy BE1 of the Council's emerging draft Local Plan. However, the Officer's report indicates that the LP is an emerging draft document. As such, its content may change prior to statutory adoption. Consequently, I have attached limited weight to this policy for the purpose of this appeal.

Conclusion

16. Overall, for the reasons set out above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR