

Appeal Decision

Site visit made on 23 November 2016

by G Powys Jones MSc FRTPI

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

Decision date: 07 December 2016

Appeal Ref: APP/T3725/D/16/3158488

24 Freeman's Close, Leamington Spa, Warwickshire, CV32 6EZ

- 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 & Mrs Jason Ventress against the decision of Warwick District Council.
 - The application Ref W/16/0669, dated 12 April 2016, was refused by notice dated 11 July 2016.
 - The development proposed is the erection of a two-storey side extension, single storey front extension and rear dormer window.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension, single storey front extension and rear dormer window at 24 Freeman's Close, Leamington Spa, Warwickshire, CV32 6EZ in accordance with the terms of the application Ref W/16/0669, dated 12 April 2016, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. In the interests of brevity the Council's description of the proposed development used in its decision notice has been utilised. It is more succinct than that in the application form, but is nevertheless accurate.

Main issues

3. The main issue is the effect of the proposals on the character and appearance of the host property and its surroundings.

Reasons

4. The appeal property is one of several detached properties set at the end of a residential cul-de-sac of relatively modern construction. The appellant proposes a two-storey extension to replace the existing garage; this would display a front gable feature.
 5. A rear dormer, front rooflights and a single storey front extension are also proposed, to which the Council does not object. I have no reason to object to these features either.
 6. The appellant considers the design and scale of his proposals, as they affect the front elevation, would be similar to that carried out at No. 25, the next-door property.
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7. The Council's concerns, having regard to advice contained in its Residential Design Guide – Supplementary Planning Guidance (SPG), is that the ridge of the proposed side extension would not be set down from that of the host property and that the gable would dominate the front elevation. In combination, these features would not therefore, in the Council's view, prove subordinate to the scale of the host property and would appear incongruous in the street scene.
8. The Council does not regard the works carried out to No 25 to be a justification for the current proposal since planning permission was granted for these works prior to the adoption of its SPG.
9. The alteration carried out to No 25's front elevation would not, in itself, justify granting planning permission here, but it cannot be ignored or discounted since it contributes to forming local character. Moreover, irrespective of the advice referred to in the SPG, the works carried out to No 25 look perfectly acceptable to the eye in terms of scale and appearance, and the general effect on the street scene.
10. It follows, in my opinion, that the works proposed to the front of the appeal property would not look out of place or incongruous, as suggested by the Council. The property is well separated from its neighbours on either side, and the scale of the proposals and their design would prove appropriate in their spatial and visual contexts.
11. The appeal property is visually sheltered, being tucked away at the end of the cul-de-sac. It can barely be seen from the entrance to the street. The proposals, if built, would go almost unnoticed, and the visual impact of the proposal on its surroundings would be minimal and entirely acceptable. This, in my view, is a situation where the precise advice of the SPG, referred to by the Council, need not be slavishly followed.
12. I conclude that the proposed development could be built without harming the character and appearance of the host property or its surroundings its surroundings. Accordingly, no conflict arises with those provisions of policy DP1 of the Warwick District Local Plan (DLP) directed to ensure that new development is well designed and respects local character.

Conditions

13. The Council's suggested condition relating to materials shall be imposed in the interests of visual amenity.
14. It is also necessary in the interests of certainty that the development is built in accordance with the approved plans, and a condition to this effect is imposed.
15. So as to comply with the provisions of DLP policy DC13 and in the interests of sustainability, the Council's condition relating to energy efficiency is imposed.
16. The Council's suggested other additional conditions are designed to protect neighbouring living conditions from adverse effects with particular reference to noise nuisance and privacy. Their suggested conditions in this respect are therefore imposed to protect neighbouring residential amenity, albeit in a slightly modified form.

Other matters

17. Reference has been made to other development plan policies but those to which I have referred are considered the most relevant in the particular circumstances of this case.
18. All other matters raised in the representations have been taken into account, including the views of the Town Council, which offered no objection. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. 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.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 14/03-01; -02; -03 & -04.
4. The development hereby permitted shall not be commenced unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
5. If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
6. Prior to the occupation of the development hereby permitted, the first floor side-facing window in the south-west elevation shall be permanently glazed with obscured glass and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscurely glazed window shall be retained in that condition at all times.

