
Appeal Decision

Site visits made on 28 December 2016 and 12 January 2017.

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/J3720/D/16/3164408

1 Reinswood Court, Sambourne Lane, Sambourne B96 6PE

- 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 Guy Vellacott against the decision of Stratford on Avon District Council.
 - The application Ref 16/02162/FUL, dated 29 June 2016, was refused by notice dated 29 September 2016.
 - The development proposed is a single storey extension to provide utility room and extension to kitchen, new front porch and balcony.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I undertook a visit of the site on 28 December 2016. However, the Council had requested that I also view the proposal from an adjacent property. I carried out this subsequent viewing on 12 January 2017.

Preliminary Matters and Main Issue

3. The site lies within the Green Belt. The National Planning Policy Framework states that the construction of new buildings is inappropriate in the Green Belt, apart from certain exceptions. One such exception concerns the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy CS.10 of the Core Strategy¹ has similar aims. Both parties consider the extension in this case to be small scale, thereby complying with Policy CS.10 and I see no reason to disagree with this view.
4. The main issue in this case is whether the proposal would have an adverse effect on the living conditions of the occupiers of 'Woodland View', with regard to privacy.

Reasons

5. Reinswood Court lies on the north side of Sambourne Lane, to the west of the centre of Sambourne village. Development along the lane is sporadic and primarily linear, aside from a couple of cul-de-sacs, of which Reinswood Court is one. There are 3 houses within the court, with No 1 located on the west side. The property has an 'L' shape in plan form, with the front door facing

¹ Stratford-on-Avon District Core Strategy 2011-2031, July 2016

towards the centre of the Court on the east. The rear garden of No1 is located on its western side, tracking around the south and west sides of the house. To the north of the appeal site lie open fields, with the single detached house of Woodland View located on the west of the property. This house is accessed directly from Sambourne Lane and faces the Lane, with a 2 storey northern elevation including a balcony facing towards the fields at the rear. Woodland View is also set on slightly higher ground than No 1.

6. The proposal is multifaceted, and seeks extensions of the dwelling on three sides, with a proposed porch on the eastern elevation, a utility room on the north and a kitchen extension to the west. The Council raise no objections to the porch and utility room additions and based on all that I have seen and read I have no reason to disagree with this view.
7. The extension to the western elevation would extend the ground floor kitchen by around 2m, with a balcony terrace sited on top of this extension, and an existing bedroom window would be replaced with doors to access the terrace. This would face the eastern elevation of Woodland View, which at first floor level contains a large obscure glazed bathroom window. Due to the nature of the glazing of this window I do not consider that direct overlooking between the window and door would be created.
8. However, the elevated terrace would be wider at its northern end. It is reasonable to assume that chairs would be placed on the terrace to maximise the area's potential. Such a seating area on the western elevation of the building would have the potential to directly overlook much of the slightly higher rear garden of Woodland View to the west. Whilst I do not suggest that this would be the intention of the appellants, the location and presence of the terrace would lead to the perception of overlooking of anyone using the rear garden of Woodland View and would detract from their enjoyment of their private rear amenity area, and consequently from their living conditions.
9. A Council Planning Advice Note² (the PAN) provides distances of 10m for windows looking towards neighbour's gardens. The Council's Officer's Report notes that the distance between the proposed balcony and the rear garden is around 14-15m. However, the PAN refers to distances from windows. I consider there to be a difference between windows where fleeting and momentary views may be expected, to a terrace which it is reasonable to assume may be used extensively during clement weather. I do not consider therefore that the stated guidance in this one particular instance is strictly relevant and I accord it limited weight. Furthermore, I note that the PAN states that terraces should be carefully designed to avoid unreasonable overlooking of neighbours properties.
10. I therefore conclude that the proposal would have an adverse effect on the living conditions of the occupiers of 'Woodland View', with regard to privacy. The proposal would be contrary to policy CS.9 of the Core Strategy which states that proposals will ensure a good standard of amenity for occupiers.

Other Matters

11. The appellant considers that the Council made their decision based on incorrect information and without the benefit of a site visit for Councillors. Complaints

² Stratford-on-Avon, 'Extending your home – A planning guide for householders' Planning Advice Note April 2008

about the Council's handling of the planning application should be made in the first instance through the Authority's own internal complaints procedure.

12. The appellant submits that the refusal of their application contravenes Article 8 of the Human Rights Act 1998. This states that everyone has the right to respect for their private and family life, and their home. However, I consider that the decision does not contravene Article 8, and in having regard to the privacy of the neighbouring occupants explicitly takes account of such rights.
13. The appellant considers that the proposed terrace enhances the scheme architecturally and that the terrace would allow them to keep watch on their children whilst they play in the garden. However, I am not convinced the addition of a screen and rail enhances the design of the proposal significantly and note that surveillance of children can equally be achieved via ground floor windows or occupation of the garden.

Conclusion

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

Jon Hockley

INSPECTOR