
Appeal Decision

Site visit made on 10 January 2017

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/T3725/D/16/3160625

41 Gaveston Road, Leamington Spa, CV32 6EX

- 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 M Bramwell against the decision of Warwick District Council.
 - The application Ref W/16/0782, dated 21 April 2016, was refused by notice dated 19 July 2016.
 - The development proposed is described as *rear extensions to dwelling after demolishing the conservatory*.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed extensions on the character and appearance of the host property, including whether they would preserve or enhance the character or appearance of the Royal Leamington Spa Conservation Area (CA) and secondly, the effect of the ground and first floor extensions on the living conditions of the neighbouring occupiers of 39 Gaveston Rd (No 39) by reason of overlooking and loss of light and outlook.

Reasons

3. The appeal property is a 2 storey Edwardian House with a rear dormer window which is located within the CA. It is in an area covered by an Article 4 Direction which requires planning permission to be sought for a range of works visible from any public highway which are important to the maintenance of the character of the CA and which would otherwise be "permitted development".
4. The proposed development comprises a number of elements including the erection of a single storey rear extension in place of a conservatory, a side and rear first floor extension and alterations at roof level. I have dealt with each element in turn and together where indicated. No objections are raised to the removal of the conservatory and there are no reasons to disagree.

Character and appearance

Ground floor extension

5. The conservatory would be replaced by a higher ground floor extension some 1.3m deeper, according to the appellant's calculations. The overall depth of the
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resulting extension would be proportionate to the size of No 41's long garden which exceeds significantly the garden depth of the neighbouring houses in the terrace. However, although the additional depth would in itself be modest, it is the resulting size of the extension as a whole which has to be considered. The increased height, depth and width of the extension would result in a significantly increased mass which in my view would be out of proportion with the dimensions of the original rear projection.

6. As indicated on the submitted drawings, part of the roof of this extension would cut across a lower area of the window cill of the first-floor rear facing window creating an uncomfortable junction between the extension and the main roof. Whilst the appellant states that this would not be the case, I must determine the appeal having regard to the plans before me. This awkward design detail adds weight to my concerns about the overall scale of the proposed ground floor extension. The size of the resulting extension would be unacceptable and this conclusion is unaffected by whether or not it would be visible from a highway.

First floor extension

7. To increase the size of the rear bedroom it is proposed to extend a ground floor side projection upwards, effectively 'squaring off' and infilling an existing 1st floor recess which allows the original design of the house to be easily read. This recess design feature is present on a number of properties in the terrace and whilst I noted that the houses were not all originally built with identical rear elevations, I conclude that the loss of this distinctive recess would harm the character and appearance of No 41, also by unbalancing the symmetry of the rear bays.
8. This extension would be predominantly glazed and as such it would appear incongruous and out of character with the appearance of the host building and the wider area which is characterised by the traditional use of red brick and slate roofs. There is a similar first floor glazed infill extension at 37 Gaveston Rd. However, each proposal is assessed on its individual merits. Therefore its presence does not set a precedent for development which is found harmful on its own merits.
9. The appellant sought to change the external materials from glazing to brickwork with a slate roof during the processing of the planning application. However, this change was not accepted. I am required to consider the proposal that was determined by the Council and based on the drawings which are before me. I therefore cannot take these amendments into account in this decision. But in any event I have concluded above that the loss of the recess would harm the character of No 41.

Dormer/roof level alterations

10. The existing flat-roofed rear dormer window extends across almost the width of the roof. It is acknowledged by both of the main parties that the dormer is unsightly and I agree that it is large, bulky and unsympathetic to the dwelling. Nevertheless, it forms the context for this appeal proposal.
11. The proposed roof level extension would reshape the dormer window, adding a gable end with a roof ridge line connected to the main roof. The profile of the gable would be similar to the other proposed gables on the host property and

neighbouring gables. The height of the extension would not exceed the height of the existing house or its neighbours. Nonetheless, in my judgement these works would increase the overall bulk and uncharacteristic appearance of the roof level alterations. The degree of change would further harm the character and appearance of No 41. Good design is important even when public views are limited.

Conclusion on character and appearance

12. Much of the higher level extension would easily be seen from Gaveston Rd and the neighbouring Freemans Close. The lower elements would be visible from neighbouring gardens and the rear access track which serves the houses in the terrace. I conclude that the proposed extensions would unacceptably harm the character and appearance of the host property. For these reasons the proposal conflicts with Policy DP1 of the Warwick District Local Plan (LP) which, in summary and of relevance to this appeal, requires development to contribute to the character and quality of the environment through good design.
13. Furthermore, the roof level element of the proposal would be visible from some distance and would fail to preserve the character and appearance of the CA. The scheme would not therefore accord with LP Policy DAP8 which among other things requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. In accordance with Paragraph 134 of the National Planning Policy Framework I conclude that the resulting harm to the significance of the CA, a designated heritage asset, which I consider to be less than substantial, would not be outweighed by any public benefits of the proposal.

Effect on the living conditions of neighbouring occupiers at No 39

14. To determine whether there would be any adverse effect on the living conditions of neighbouring occupiers I have had regard to the Council's Supplementary Planning Guidance: *The 45 Degree Guideline* (SPG). The levels of daylight or sunlight in the rear rooms of No 39 are already limited by No 41 as built and extended and by the orientation of the houses. I acknowledge that the 45 degree line is already breached. However, the additional bulk and height of the proposed extensions would lead to reduced levels of daylight and sunlight in the rear habitable rooms of No 39. The first floor glazed extension would contain windows facing directly on to the neighbouring property. This would lead to overlooking and a loss of privacy for the neighbouring occupiers.
15. Furthermore, the extensions would project further into the back garden and, with the exception of the dormer level works, there would be clear views of the proposed extensions from within No 39 and most of the development would be visible from its garden. The overall size and bulk of the proposed extensions would further reduce the outlook from the rear windows and garden of No 39 to a degree that would harm the living conditions of its residents.

Conclusion on living conditions

16. For the reasons I have set out above I conclude that the scheme conflicts with LP Policy DP2 which among other things seeks to protect the amenity of nearby residents and does not accord with the guidance in the SPG.

Other Matters

17. Concerns were raised about the loss of a view from No 2 Freemans Close (No 2) resulting from the erection of an extension wall which would run along the width of the occupiers' garden. However, whilst the outlook from No 2 would change as a result of the proposed development, I agree with the Council that there is sufficient distance between the neighbouring houses to avoid any harm to the living conditions of its occupiers.
18. The appellant's concerns about the manner in which the Council determined the planning application are more appropriately addressed by the Council's own complaints procedures. This appeal has been determined on its planning merits.
19. I have considered all other matters raised but none outweigh the conclusions set out above.

Overall Conclusion

20. For the reasons I have set out the appeal should be dismissed.

Elaine Benson

INSPECTOR