
Appeal Decision

Site visit made on 7 February 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/T3725/D/16/3162748
20 Victoria Street, Warwick CV34 4JT

- 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 Rita Young against the decision of Warwick District Council.
 - The application Ref W/16/1103, dated 15 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is demolition of bay window and erect a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of the neighbouring property at No 18 Victoria Street with regard to their outlook, and the effect on the character and appearance of the Warwick Conservation Area (WCA).

Reasons

Living conditions

3. Nos 20 and 18 Victoria Road are a pair of semi-detached houses each with a narrow two-storey rear projecting wing. This creates a small courtyard in between and a boundary wall runs down the middle. The proposed extension would fill the gap between the boundary wall and the rear wing at the appeal site.
4. The main part of the house at No 18 has a glazed door on its rear elevation and there is a small single-storey, partly glazed extension within its part of the courtyard. The outlook from this glazed door is restricted, partly by the glazed extension and partly by the two-storey rear wing of No 20. As such, the outlook is very sensitive to further change.
5. The proposed extension would replace the existing boundary wall and would be around two metres in height to its eaves. From No 18 this would measure approximately 2.2 metres as the ground level at the appeal site is about 20cm higher than that at the adjoining property. Nonetheless I recognise that a wall or fence could be erected up to this same height under the dwelling's permitted development rights¹.

¹ Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

6. Above the eaves, the glazed roof of the extension would be visible from No 18. Although this would slope away from the neighbouring property, it would be visible from the glazed door and, as it would run along the entire depth of the rear wing, would appear prominently. Furthermore, it would breach a line drawn at 45° from the glazed door which, as advised by the Council's 45 Degree Guideline Supplementary Planning Guidance, suggests an unreasonable impact would occur. In this case, the magnitude of the change to the outlook from this door resulting from the extension would not be substantial. However, due to the high sensitivity of that outlook, the impact of the development on it would be adverse.
7. Consequently, I consider the detrimental effect of the extension on the outlook from the neighbouring property would harm the living conditions of the occupiers. As such the extension would be contrary to Policy DP2 of the adopted Warwick District Local Plan (the 'adopted LP') which requires development to not have an unacceptable adverse effect on the amenity of nearby residents. It would also conflict with Policy BE3 of the draft Warwick District Local Plan (the 'draft LP'), but as this draft LP has not been adopted I can give only limited weight to this conflict.

Character and appearance

8. The part of the WCA within which the site is located is detached from the remainder of the WCA, and encompasses primarily mid to late Victorian or Edwardian properties on Victoria Street, Edward Street and Cape Road.
9. The site is located on the corner of Victoria Street and Edward Street and the rear elevation of the house at the site contributes to the Edward Street street scene. Indeed the existing bay window is, and the proposed extension would be, visible in the Edward Street street scene above the boundary wall and fence. However the extension would not appear prominently in the street scene and, when seen in the context of the partly glazed single storey extension at No 18, would not appear incongruous.
10. The existing bay window is attractive having unusually shaped roof tiles and a distinctive green painted wooden frame. However, its small size and its position back from the Edward Street frontage means its contribution to the street scene is minimal. Therefore its loss would not significantly harm the character or appearance of the WCA.
11. As such I consider the development would preserve the character and appearance of the WCA. It would therefore accord with Policy DP1 of the adopted LP which aims to ensure development contributes positively to the character of its environment, and Policy DAP8 of the adopted LP which requires development to preserve or enhance the interest and appearance of conservation areas. The extension would also comply with Policies BE1 and HE2 of the draft LP which, respectively, aim to ensure development contributes positively to the character of its environment, and requires development to preserve or enhance the character and appearance of conservation areas. However as this draft LP has not been adopted, I can only give limited weight to this.

Other matters

12. The appellant has suggested that there are a number of other similar extensions near to the site which have been granted planning permission. Notwithstanding the fact that each proposal must be considered on its own merits, the relationship between one extension and its neighbouring properties should not justify granting planning permission for the development before me if it would have an unacceptable effect on its neighbouring property, which in this case I consider it would.

Conclusions

13. Although I consider the development would preserve the character and appearance of the WCA, this does not outweigh the harm I have found in respect of the effect on the living conditions of the neighbouring occupier.
14. As such, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR