



Appeal Decision

Site visit made on 9 May 2017

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 25 May 2017

Appeal Ref: APP/J3720/D/17/3168194

153 High Street, Henley-in-Arden, Warwickshire, B95 5BA.

- 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 A and J Hunter against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/03273/FUL, dated 7 October 2016, was refused by notice dated 1 December 2016.
 - The development proposed is for a ground and first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a ground and first floor rear extension at 153 High Street, Henley-in-Arden, Warwickshire, B95 5BA in accordance with the terms of the application, Ref 16/03273/FUL, dated 7 October 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The extension hereby permitted shall not be occupied until the dormer window in the north elevation serving the new bedroom at first floor level facing number 151 has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: AD02e, 03e, 05e and 06

Procedural matters

2. I note from the evidence before me that listed building consent for the works was granted 1 December 2016 Ref: 16/03274/LBC.

3. The appeal site is located in the Henley-in-Arden Conservation Area. I am required therefore to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Therefore, although not a reason for refusal, I shall nevertheless, as I am required to do, consider this as one of the main issues in this appeal.

Main Issues

4. I consider the main issues to be: the effect of the proposed development on the living conditions of the occupiers of number 151 High Street in terms of its potential to appear overbearing and result in a loss of privacy; and whether the proposal would preserve or enhance the character or appearance of Henley-in-Arden Conservation.

Reasons

5. The property the subject of this appeal, 153 High Street, listed grade II, is located in the Henley-in-Arden Conservation Area. This double fronted dwelling is one of a terrace of properties located on very deep traditional burgage plots that front onto the high street. It dates from the 18 century with a later 20 century rear wing.
6. The appellants propose a two-storey rear extension partially replacing an existing single storey fully glazed conservatory.

Living conditions

7. As can be the case with properties on such burgage plots, there is an open courtyard area between numbers 151 and 153 with no physical boundary treatment resulting in a significant degree of mutual overlooking.
8. Indeed number 151 has three clear glazed windows in its flank wall facing the appeal site, just 3.0 metres or so to the south. These serve a living room and study on the ground floor and a bedroom on the first floor. The lounge and study windows on the ground floor currently face towards an existing two-storey rear projection. Further, about 50% of the length of the lounge window looks out towards an angled section of wall projecting from the rear of number 153 thereby reducing the more open aspect that it might otherwise have enjoyed.
9. Due to the existing proximity of the properties one to another, their height and existing pattern of fenestration, and while having regard to the daylight plan data submitted by the appellants, I do not consider that the proposed extension would have such a significantly greater impact on levels of daylight or sunlight reaching number 151 as to cause harm to residential living conditions.
10. As a result of the existing fenestration pattern in the flank wall of number 151, I do not believe that the proposed alterations and extension at ground floor level would have a harmful impact on existing privacy through overlooking of the lounge and study windows. However, I do consider that there would be an enhanced sense of actual and perceived overlooking from the proposed dormer window serving the new first floor bedroom. As that bedroom would have two

windows, the dormer facing number 151 could be obscure glazed and fixed shut to avoid any concerns in this regard, without affecting the occupants' residential living conditions. This is a matter that if I were minded to allow the appeal could be conditioned. I do not share the Council's concerns about the two rooflights in the roof of the kitchen or that proposed to the en-suite dressing room because of their cill heights above floor level and as they will be set into the plane of the roof.

11. From what I have seen and read, including an inspection of the appeal site from number 151, I do not consider, due to the context of the existing configuration on site, that the proposed development would appear significantly more overbearing than at present. Indeed the replacement of the existing conservatory as proposed would, I believe, serve to reduce not only the visual impact but also the perception of overlooking and a loss of privacy.
12. I therefore conclude, in respect of the first main issue, that subject to the first floor dormer window being obscure glazed and fixed shut, the proposed development would not cause harm to the living conditions of the occupiers of number 151 High Street in terms of its potential to appear overbearing or result in a loss of privacy. The proposal would therefore accord with Policy CS20 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (Adopted 11 July 2016) and the *Extending your home*-A planning guide for householders – Planning Advice Note (April 2008) as they seek to ensure that new development does not compromise residential living conditions.

Conservation area

13. The Council found that the proposal would not give rise to any material harm to the character or appearance of the Henley-in-Arden Conservation Area. From what I have seen and read I would not form a contrary view in this case. Accordingly, the proposed development would serve to preserve the appearance and character of the conservation area.

Conditions

14. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building. Furthermore, to protect neighbours' living conditions, I shall require the dormer window in the new bedroom facing number 151 to be fitted with obscured glazing and fixed shut.
15. In the interests of certainty, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is in accordance with the development plan, when read as a whole, and that the appeal should be allowed.

Philip Willmer

INSPECTOR