
Appeal Decision

Site visit made on 5 July 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/T3725/D/17/3175293

8 Canon Price Road, Barford, Warwick, CV35 8EQ

- 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 Matt Ball against the decision of the Warwick District Council.
 - The application Ref W/17/0260, dated 14 February 2017, was refused by notice dated 27 April 2017.
 - The development proposed is a two storey side extension to create additional living space at ground floor with new en-suite bedroom over.
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Procedural Matter

1. The words 'to create additional living space at ground floor with new en-suite bedroom over' describe the purpose of the application and are not directly relevant to the proposal. I have therefore omitted them from my description of the permitted development

Decision

2. The appeal is allowed and planning permission is granted for a two storey side extension at 8 Canon Price Road, Barford, Warwick, CV35 8EQ in accordance with the terms of the application, Ref W/17/0260, dated 14 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17004/001, 17004/02, 17004/003, 17004/004 & 17004/005.
 - 3) 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.

Main Issue

3. The main issue is whether the proposed extension would unacceptably impinge on the outlook from neighbouring residential properties, especially No 7 Hemmings Mill, and more generally degrade the openness of the surrounding area.

Reasons

4. The gable end of the appeal property is almost directly to the south of the main rear elevation to No 7 Hemmings Mill. The gable is about 18m from that house's rear elevation. The proposed 4m wide side extension would reduce this distance to around 14m. The extension would affect the outlook from other houses on Hemmings Mill, but No 7 and its neighbour at No 8 would be the most directly affected.
5. Canon Price is a recent development that will have significantly changed the setting of the Hemmings Mill properties and their outlook. I have no doubt that many Hemmings Mill residents will feel that the Canon Price Development has left them with a less attractive outlook than they would otherwise have had and that they might not welcome further development that brought development closer to their houses and gardens. The Council have nevertheless published their Distance Separation Supplementary Planning Guidance (SPG) which specifies the minimum acceptable distance between a two-storey blank gable end and the rear elevation of another house. This is 12m, which is 2m less than would result from the appellant's proposal. The guidance is like that adopted by many other planning authorities and, whilst it is only guidance, there are no compelling local circumstances for setting it aside on this occasion.
6. I am aware of the objectors' comments that the original design for the Canon Price development left a larger gap than is now proposed and that the present gap was left to minimise the impact on the Hemmings Mill properties. The committee report nevertheless points out that the width of this gap was not something that was required to make the development acceptable in planning terms. I am satisfied that any proposal to reduce that gap should be judged in the context of the Council's published policies and guidance.
7. The Council's reason for refusal also refers more generally to the degradation of openness but I do not consider that this single extension would cause a significant change in the overall character of the surrounding area. Since, guided by the SPG, I consider that the extension would not have an unacceptably harmful effect on the amenity of the nearest residential properties, I am therefore satisfied that the proposal would not conflict with the objectives of policies DP1 and DP2 in the Warwick District Local Plan or the requirements of the National Planning Policy Framework.

Conditions

8. I have imposed standard conditions governing the beginning of development, specifying the approved plans and requiring matching materials. These are required in the interests of clarity and visual amenity. In the absence of a specific justification, I am reluctant to impose conditions requiring the submission of a renewable energy scheme on a permission for a simple house extension. The Council suggest a condition requiring the obscure glazing of the first floor en-suite window at the front of the extension. Whilst the house's occupants might choose to have this window obscured I do not consider that the potential for damaging overlooking from what is not a habitable room is sufficient to justify the imposition of the condition. I note also that the

committee report says that the window will not cause a material increase in overlooking.

George Arrowsmith

INSPECTOR