
Appeal Decision

Site visit made on 7 August 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 01 September 2017

Appeal Ref: APP/J3720/D/17/3178413

131 Luddington Road, Stratford-upon-Avon, Warwickshire, CV37 9SQ

- 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 Anthony Walsh against the decision of Stratford-on-Avon District Council.
 - The application Ref 17/00234/FUL, dated 19 January 2017, was refused by notice dated 31 May 2017.
 - The development proposed is part demolition of existing elements of dwelling and addition of single storey side and two storey rear extension, including new roof structure over whole extended dwelling, roof to incorporate attic rooms.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed extensions would, i) have an unacceptably harmful effect on the amenity of the neighbouring residential property at 133 Luddington Road by reason of, loss of light and/or overshadowing to habitable rooms and garden areas and/or overbearing impact, and, ii) have a harmful visual impact on the character of the surrounding area.

Reasons

Residential amenity

3. The occupants of the neighbouring property at No 133 are concerned about the impact of the extension on windows to their habitable rooms and especially the morning sunlight to a bedroom. However, in my view the loss of a limited amount of morning sunlight would not be sufficient to justify the refusal of permission. I am aware that light is received from all parts of the sky and from reflective surfaces as well as from direct sunlight, but in this case I am satisfied that there would be no unacceptable loss of other natural light. In reaching my conclusion I have taken particular notice of the reporting officer's observation that the proposed two storey extension would not impinge on a 45-degree line taken from the nearest habitable rooms at No 133, which are a ground floor lounge and a first floor bedroom. Although the officer refers to rooms I assume that the reference is actually to the windows serving those rooms. I am not supplied with any policy or guidance referring to a 45 degree criterion but I am familiar with its use by other planning authorities in similar circumstances.

4. I am more concerned about the impact of the extension on No 133's rear garden especially the area immediately to the rear of the house. No 133's occupants say that they spend most time in that part of the garden. It would be wrong to give undue emphasis to the way in which particular occupants use a garden but as a general rule I would normally expect the part of the garden closest to the house to be the most intensively used by most families. If No 131 is extended as proposed, anyone in the nearest part of No 133's garden would be faced by the high side wall of the extended dwelling at a distance of just over 4m from the boundary.
5. The officer's report says that the appeal proposal would increase the two-storey length of the dwelling (i.e. front to back) by only 2.7m, from 12.5m to 15.2m. Taking this limited increase in depth into account, the report concludes that the proposed extensions would not have an adverse impact on No 133. It is however important to note that the existing 12.5m deep two-storey element is on the north side of No 131, some distance from No 133. The two-storey element on the south side is not as deep and does not extend significantly beyond the single-storey extension at the rear of No 133. The proposed increase in first-floor depth on this side of the building, and the degree to which it would extend to the rear of No 133, would therefore be far more than the 2.7m noted in the officer's report.
6. I recognise that the new two-storey side wall would still be over 4m from the boundary with No 133 but I do not think that this degree of separation would prevent the combination of height and depth appearing significantly overbearing when seen from this side of No 133's rear garden. I consider that the overbearing effect would be sufficient to conflict with the objectives of policy CS.20 in the Council's Core Strategy and that the proposal is therefore unacceptable. Since the extension would be to the north of the garden I consider that it would not have a serious effect on the sunlight and other natural light the garden receives. However, this does not change my view about the overbearing impact.

Character of the surrounding area

7. Given the variety in building size and design on this part of Luddington Road and the position of the proposed extensions primarily to the rear of the building I agree with the reporting officer that the proposal would not have a harmful visual impact on the area's overall character or conflict with the relevant objectives of Core Strategy policy CS.9. Again, this does not affect my finding that the proposal is unacceptable because of its harmful impact on neighbouring amenity through its overbearing impact on the adjoining rear garden.

Other matters

8. The appellants disagree with neighbours' comments on matters like footprint, floorspace and the visual representation of how the extended dwelling would appear when seen from No 133. These disagreements have no effect on my decision which I have based on the submitted plans and what I saw during my site visit. Similarly, I have not been influenced by the design suggestions made

by neighbours. Any alternative proposal would in the first instance have to be considered through a fresh application to the Council.

George Arrowsmith

INSPECTOR