The Planning Inspectorate

# Appeal Decision

Site visit made on 14 May 2019

**by P D Sedgwick BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10th July 2019**

**Appeal Ref: APP/T3725/W/19/3221800**
**170 Emscote Road, Warwick, CV34 5QN**

- 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 Amrik Thind against the decision of Warwick District Council.
- The application Ref W/18/1779, dated 17 September 2018, was refused by notice dated 17 January 2019.
- The development proposed is described as proposed alterations and rear extension to form a second floor flat.

## Decision

1. The appeal is allowed and planning permission is granted for proposed alterations and rear extension to form a second floor flat at 170 Emscote Road, Warwick, CV34 5QN in accordance with the terms of the application, Ref W/18/1779, dated 17 September 2018, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 03A, and specification contained therein, submitted on 14th December 2018.

    3) The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

    4) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.

## Preliminary Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal used by the Council in their decision notice as this gives a clear description of the type of development proposed.

3. According to the Council an amended plan was submitted on 14th December 2018. It shows the internal layout of the proposed flat. In all other respects it

is identical to the plans submitted with the application. These are minor amendments and as such I do not consider that the interests of those who would normally have been consulted would be prejudiced if I take the amended plan into account. I shall therefore determine the appeal and application for planning permission on the basis of the amended plan.

## Main Issues

4. The effect of the proposed development upon:

- the character and appearance of the area; and,
- the living conditions of future occupiers of the proposed development and occupants of neighbouring flats, with particular regard to light and outlook.

## Reasons

*Character and Appearance*

5. The proposal site is a mid-terrace building fronting on to a relatively busy road. The building comprises a basement, ground floor and first floor. A rear projection covers the full width of the building half of which is 2-storey with a single pitch roof and the other half is 3-storey with a pitched roof and ridge extending from the roof slope.

6. Bridge Street runs along the back of the terrace and provides rear access to it. Although not the principle street scene, the rear of the terrace when seen from Bridge Street provides an interesting streetscape with a variety of roof extensions, rear projections and outbuildings.

7. The proposed roof extension would project from the ridge out to the edge of the roof slope and fill the width of the roof to accommodate a flat. The existing 3 storey projection would be extended up to provide additional space. The Warwick District Council Residential Design Guide (2018) (Design Guide) advises that roof extensions should comprise modest dormer windows sensitively located on the roof slope. The design would not accord with the advice set out in the Guidance. However, the building and neighbouring property have lower ridgelines and a shallower roof slope than adjacent properties and most others in the terrace. Consequently, the buildings sit lower than others within the terrace and are less obtrusive than them. From most views their roofs are largely obscured by other roofs within the terrace. Views of the proposed extension would likewise be partly obscured by existing roofs, and by outbuildings that back onto Bridge Street. As a result, it would not dominate the building and its impact on the street scene would be minimal.

8. When viewed at close quarters the roof extension would not look out of place with that of the neighbouring property which has a gable extension projecting out from its roof. I note the Authority's concern that the proposal does not reflect the more modest extensions that are common within the terrace and agree that where roofs are highly visible and uniform this would be a more appropriate design response. However, in this particular case, the roof does not conform to the height and appearance of others in the terrace and the proposal would not be visually intrusive. Thus the proposal would not harm the character and appearance of the area and would not therefore conflict with Policy BE1 of the Warwick District Local Plan 2011-2029 (2017) and the National Planning Policy Framework (2019) which permit development that

contributes positively to the character and quality of its environment through good design.

*Living Conditions*

9. The side wall of the existing rear projection is close to the first-floor window at the rear of 172 Emscote Road. Its eaves and a parapet wall reach above the top of the window. As such it currently fills side views from the window and will already appear overbearing. However, occupants of No 172 will be used to the impact. Views looking directly out of the window would be unchanged by the proposed development. The increase in height of the rear projection would make little material difference to side views which are already dominated by the existing wall. As such the effect of the proposal on the living conditions of occupants of No 172 would not be significantly different to that which they already experience.

10. The impact of the proposed development on No 168 in terms of loss of light and outlook would be minor. As noted by the appellant, the rear projection is on the far side of the host building and as a result the additional height would not significantly alter the outlook of occupants of No 168. Due to the building's orientation it would not increase shade to any significant degree and any such effects would only be for a limited time in the mornings.

11. The Council is concerned that the only view from the living room would be from a rooflight and that the outlook from it would be unacceptably poor. It has submitted as evidence an appeal decision[1] wherein the Inspector dismissed an appeal for this reason. However, as the appellant points out, in that case the rooflights did not open below 1.7 metres and the bottom half of the roof light was obscurely glazed. This would have severely restricted views. Such restrictions do not apply in this case where the occupiers would be able to look out from the rooflight, and when opened look down towards the opposite side of the street. Moreover, the flat would be open plan with a window serving the bedroom which would allow views to the rear. I also note the appeal decision in the appellant's evidence[2], in which an Inspector allowed an appeal citing a rooflight as providing adequate outlook. Whilst I have had regard to both appeal decisions, I have come to my own view. In this case the bedroom window and rooflight would provide adequate outlook from the flat such that the living conditions of occupants would not be harmed.

12. Overall, I conclude that the proposed development would provide acceptable living conditions for future occupiers and would not cause unacceptable harm to the living conditions of occupants of neighbouring flats. The proposal would therefore be in accordance with LP Policy BE3 which only permits development that would not have an unacceptable adverse impact on the amenity of nearby residents and occupiers of the development.

## Conditions

13. I have considered the conditions suggested by the Council. A condition specifying the approved plans is necessary in the interests of clarity. A condition with regard to lowering emissions is necessary to meet the requirements of LP Policy NE5 and Warwick District Council Air Quality Action Plan (Addendum) Low Emission Strategy Guidance for Developers (2014) which

[1] APP/T3725/W/15/3139825
[2] APP/G2713/W/18/3212204

require development to demonstrate that there would be no increase in air pollution. A condition regarding materials is necessary to safeguard the character and appearance of the area.

**Conclusion**

14. For the reasons given above I conclude that the appeal should be allowed.

*P D Sedgwick*

INSPECTOR