
Appeal Decision

Site visit made on 10 June 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/T3725/D/19/3227028
24 Rounds Hill, Kenilworth CV8 1DU

- 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 Andrew Boon against the decision of Warwick District Council.
 - The application Ref W/19/0239, dated 17 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is ground floor rear extension and first floor front extension over existing porch.
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Decision

1. The appeal is dismissed insofar as it relates to the ground floor rear extension. The appeal is allowed insofar as it relates to the first floor front extension and planning permission is granted for the first floor front extension at 24 Rounds Hill, Kenilworth in accordance with the terms of the application, Ref W/19/0239, dated 17 February 2019 and the plans submitted with it so far as relevant to that part of the development hereby permitted and 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 in accordance with the following approved plans: IDA 003 Rev P1, IDA 004 RevP1 and IDA 005 Rev P1.
 - 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

Procedural Matter

2. The plans provided with the appeal include DA-005 titled "Alternative Side Elevation" and an un-numbered plan, showing part of the proposed rear extension to be "stepped back". The appellant's agent has confirmed that the Alternative Side Elevation plan was submitted at the request of the council and shows the proposed western elevation. The other plans with the application show the eastern elevation. The appellant's agent also confirmed that the untitled plan was submitted as part of a discussion with the council's planning officer; it did not form part of the application and may be disregarded. I will

therefore take account of plan DA-005 with the other plans but not the untitled plan.

Background and Main Issues

3. The appeal proposal consists of two separate extensions. The council's decision deals with the two extensions separately and gives a different reason for refusal for each one. The plans show that the front extension provides additional space for the third bedroom and in physical terms, would not be dependent upon the construction of the rear extension.
4. The main issues in this appeal are the effect of the:
 - Front extensions on the character and appearance of the host building and of the local area; and
 - Rear extension on the living conditions of nearby residents with regard to outlook and light.

Reasons

Front Extension

5. The appeal property is a semi-detached house in a line of similar properties. Most have modest single storey-front porches, some with flat roofs and some with pitched roofs. The appeal property has a hipped roof over the porch.
6. This part of the proposal adds a first floor above the existing porch which is forward of the front elevation of the house by roughly less than 1m. The extension would have a pitched roof above, which would be perpendicular to and lower than the existing roof of the house.
7. Policy BE1 of the Warwick Local Plan 2011-2029 sets out criteria for the layout and design of development to be considered acceptable. Of these, (f) and (g) are relevant to the proposed front extension. BE1(f) requires development to respect surrounding buildings in terms of scale, height, form and massing. The proposed front first floor extension would introduce a small first floor addition which would not be matched by either of the adjoining properties. However, the proposal does not extend any further forward than the existing porch and the roof of the extension would be subservient to the main roof. I do not consider that the extension would significantly alter the character of the original house or be harmful to the street scene.
8. The appellant refers to the extension at 54 Rounds Hill which has now been constructed and which I viewed on my site visit. This was granted planning permission in April 2016 and would presumably have been assessed on the same development plan policies as the appeal proposal. From the appeal plans and my site visit, I have no reason to disagree with the appellants statement that the design of the proposed first floor extension is the same as that permitted at No. 54.
9. The councils Residential Design Guide (RDG) was adopted in May 2018 and post dates the permission granted at No. 54. Whilst it is not part of the Local Plan, it expands on the criteria set out in Policy BE1 and in relation to (f), poses a series of questions to test whether the proposal would respect surrounding buildings. I consider that the first-floor front extension would be subsidiary to the existing house and would not compromise the amenity of adjoining and adjacent

properties. It would cause no overlooking and would not compromise the 45° Code and Distance Separation Guidance.

10. A further element of Policy BE1 is that the development proposal should adopt appropriate materials and details which could be addressed by conditions relation to the approved plans and materials.
11. The council refers to paragraph 130 of the National Planning Policy Framework 2019 (Framework) in the reason for refusal of this element of the proposal. This paragraph advises that development of poor design should be refused where it fails to take opportunities available to improve the character of an area. I do not consider that the design of this small extension is poor, having been permitted at No. 54. A small extension such as that proposed would present little opportunity to improve the character of an area.
12. For those reasons, I conclude that the first-floor front extension would not harm the character and appearance of the host building and the area. It would not therefore be contrary to Policy BE1 having regard to the RDG, nor to paragraph 130 of the Framework.

Rear Extension

13. The rear extension would be almost the full width of the existing house, leaving a gap between the extension and the boundary with the attached neighbour at 26 Rounds Hill. The "Alternative Side Elevation plan" shows the elevation which would face No 26. The design considerations of element (f) of Policy BE1 (which requires development to respect surrounding buildings in terms of scale, height, form and massing) also applies to this part of the proposed development. In addition, Policy BE3 states that development will not be permitted where it would have an unacceptable adverse impact on the amenity of nearby residents.
14. Appendix C of the RDG contains the technical details of the 45° guideline. It is intended to balance the interests of those applying for extensions to houses and those of their neighbours which would be affected by the proposed extension, and to provide a simplified approach which can be consistently applied. The proposed extension would breach the guideline and due to its depth and bulk I consider that it would have an adverse effect on the level of daylight available to the habitable room at the back of No. 26 and to the outlook from that room. Whilst the Alternative Side Elevation confirms that there would be no window openings facing the garden of No. 26 (and therefore no overlooking), it also shows that there would be a blank façade with a pitched roof very close to the boundary which would be of an overbearing scale and mass. Taking account of the orientation of the patio doors to the habitable room at No. 26, the patio outside those doors is likely to be in shadow for a large part of the year.
15. I therefore conclude that the rear extension would harm the living conditions of nearby residents with regards to outlook and light. It would therefore not comply with Policies BE1 and BE3 and the RDG by reason of its effect on the outlook from the rear of No. 26.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed insofar as it relates to the rear extension and allowed insofar as it relates to the

front extension. The two extensions are physically and functionally severable and I will therefore issue a split decision.

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the area I have also imposed a condition requiring that external materials used in the construction of the development match those of the existing building.

Jan Hebblethwaite

INSPECTOR