The Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2019

Appeal Ref: APP/J3720/W/19/3228002
39 St James Crescent, Southam CV47 0LX

- 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 Avenue Properties (Warwickshire) against the decision of Stratford on Avon District Council.
- The application Ref: 18/03337/FUL, dated 12 November 2018, was refused by notice dated 18 March 2019.
- The development proposed is the demolition of existing garage and construction of proposed new dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether suitable living conditions would be provided for the future occupiers of the proposed dwelling, with particular regard to privacy; and
   - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions

3. The appeal site's surroundings are characterised by the presence of two storey dwellings arranged in a linear pattern. The form of development in the area includes a small number of terraces, including the appeal site, that are sited at an angle in order to directly face road junctions.

4. The proposed house and garden would be orientated differently to the original dwelling. By reason of this relationship, the three upper floor windows of the existing house would directly overlook the proposed dwelling's rear garden for almost its entire length. Owing to the relatively compact nature of the proposed rear garden, the future occupiers of the proposed development would not benefit from a sufficient level of privacy necessary to secure satisfactory living conditions. This is of importance as owing to the layout of the development, the rear garden is likely to be the main outdoors recreation space.

5. I note that the appellant has submitted a plan which, it is contended, shows the likely field of vision from windows in the existing dwelling (in addition to

other houses). Whilst I have had regard to this drawing, I note that it has been formulated using the ground floor windows. The first floor windows have a slightly different orientation but would have a greater field of view over the proposed garden, affording substantial views into this area. This increases my concerns that the level of privacy afforded to the future occupiers of the proposed development would not be sufficient.

6. I have also had regard to the pattern of development within the vicinity. I appreciate that some views of gardens may be possible from existing dwellings. However, in contrast to the relationship between the existing dwelling and the proposed development, such views generally occur at oblique angles or are diffused by greater separation distances, thereby not effecting privacy to the same degree.

7. I conclude that the rear garden to serve the proposed dwelling would not benefit from a sufficient level of privacy and would therefore fail to provide suitable living conditions for its occupiers. The development, in this regard, fails to comply with the requirements of Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (the Core Strategy). This policy seeks, amongst other matters, to ensure that developments have a good level of space and the occupiers of new developments are protected from an unacceptable loss of privacy.

Character and appearance

8. The surrounding area is characterised by the presence of two storey houses, generally set back from the highway edge. Some dwellings (such as 22 and 37 St James Crescent) have been altered through the provision of side extensions. Whilst many dwellings in the vicinity are terraced or semi-detached, a detached dwelling has been constructed at 41a St James Crescent. In addition, a detached garage is located to the side of the existing house within the appeal site.

9. Owing to the existing detached garage, the presence of side extensions on other dwellings and the house at No. 41a, the open character of the area is derived more from the setting back of dwellings from the highway, which is supplemented by soft landscaping, rather than the gaps between dwellings. Accordingly, the erection of the proposed dwelling to the side of the existing house, and resultant loss of some garden area, would not have a detrimental effect on the open character of the surrounding area.

10. The existing and proposed dwellings would be separated from one another by paths and refuse storage areas. Therefore, whilst positioned on a different alignment, the siting of the proposed dwelling would not be unduly contrived. Furthermore, the proposed dwelling would not be closer to the highway than the existing dwelling and the house at 78 Mill Crescent (immediately to the west). In addition, within the surrounding area, the gaps adjacent to the angled terraces does very noticeably. Consequently, the insertion of a new dwelling would not erode the area's character. These factors would ensure that the proposed dwelling would not appear to be overly prominent when viewed from the surrounding area.

11. Therefore, I conclude that the proposed dwelling would not have an adverse effect upon the character and appearance of the area. The development, in this regard, conforms with the requirements of Policies CS.9 and CS.15 of the Core

Strategy, which seek, amongst other matters, to ensure that new developments are well-related to the existing form of settlements; are of an appropriate scale; and that proposals (including their layout) reflect the context of the locality.

12. The evidence before me indicates that Southam is categorised within the Core Strategy as a main rural centre. Therefore, whilst I note that the Council's refusal reason references Policy AS.10 of the Core Strategy, I do not believe that it applies to this specific development as the policy does not apply to main rural centres.

Other Matters

13. I acknowledge the efforts made by the appellant to design a scheme that would not impact upon the highway system or the living conditions of neighbouring properties, however, this does not offset the unacceptable living conditions for the future occupiers of the development.

14. I note that the appellant has raised concerns as negotiations undertaken with the Council did not result in the granting of permission. However, in considering this appeal, I have limited my assessment to the planning matters before me.

Conclusion

15. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR