



Appeal Decision

Site visit made on 23 December 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2020

Appeal Ref: APP/J3720/D/19/3236103

41 South Parade, Harbury CV33 9JE

- 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 and Mrs N Glenton against the decision of Stratford on Avon District Council.
 - The application Ref 19/00884/FUL, dated 1 April 2019, was refused by notice dated 19 June 2019.
 - The development is the proposed demolition of porch and single storey garage to make way for new pitched roof porch and two-storey side and rear extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of porch and single storey garage and erection of new pitched roof porch and two-storey side and rear extension at 41 South Parade, Harbury CV33 9JE in accordance with the terms of application Ref 19/00884/FUL dated 1 April 2019, and 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: site location plan 223-LOC1 rev A and Proposed floor plans, block plan and elevations 223-P1.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 223-P1.

Procedural matter

2. I have undertaken a site visit to both the rear garden of the appeal site and the garden and dwelling of 41a South Parade (No 41a). I am satisfied that parties were not prejudiced by my doing so.
3. The appellant has referred to the Council's house extension guidance of 2008¹. This guidance includes how the Council operates a 45/25-degree guide when considering impact on neighbour's windows. However, the officer report refers to a more recent design guidance² that was adopted in 2019. The Council has since confirmed that the more recent document has greater weight than the 2008 guidance.

¹ Stratford-on-Avon – Extending your home 2008

² Stratford-on-Avon Development Requirements – Supplementary Planning Document 2019

Main Issues

4. The main issues are:

- the effect of the proposed extensions on the character and appearance of the streetscene, and
- the effect of the proposal on the living conditions of occupiers of No 41a with respect to outlook, sunlight and daylight.

Reasons

Character and appearance

5. The site includes a detached dwelling within a row of dwellings of various styles. Some dwellings have front facing gables and others have canopies that enclose the garage and porch. Dwellings on the north side of South Parade form an irregular building line. Also, the local development context includes dwellings that have been extended with two-storey side extensions. The site makes a neutral contribution to the character and appearance of the streetscene.
6. The proposal would include a two-storey side and rear extension. Its front elevation would be set back at first floor to separate it from the existing façade of the dwelling. The proposal would also include a single-storey roof that would over-sail the porch and garage. This feature would present a relatively tall open-fronted gable canopy to the street. However, although ahead of the front elevation of neighbouring dwellings, the proposed canopy would be behind 43 South Parade's building line. It would not be especially prominent in the street.
7. Design advice within the Council's design guidance refers to architectural style at section E. This indicates that porches should not normally be linked to bay windows or garages as this is not a traditional design feature in most areas of the district. However, section A of the guidance explains that good design is a key objective and results from a positive response to the local character and local distinctiveness. The proposed porch would be similar in form to projecting front gables shown in the appellant's evidence, some of which I was also able to observe whilst walking the local area. The front canopy would therefore create a feature that would be in keeping with the existing dwelling and would provide a well-considered bridging component between the proposed and existing elements. It would imitate other projecting gables in the local area as a contemporary interpretation and would therefore be of good design. As such, the proposal would be in character with the local form of development.
8. Accordingly, the proposal would be accord with policies CS.5, CS.9 and CS.20 of the Stratford-on-Avon Core Strategy 2011-2031 (CS) which seek development to maintain the landscape character, reflect the context of the local character and be an appropriate scale for the existing building.

Living conditions

9. The neighbouring dwelling (No 41a) is set back from the front building line of the appeal dwelling by around 6 metres. This property has a side window and a glazed door. The side window serves a room which is part of a single-storey rear extension and the glazed door serves a utility room. Both of these

windows are secondary windows. Accordingly, the impact of the development on these two windows would be negligible.

10. The first-floor front facing window (window A), of No 41a, serves its fourth bedroom. The Council's 2019 guidance, at section F, refers to sunlight, daylight and overbearing impacts. Section F.4 refers to its 45/25-degree guideline. This is employed by the Council to determine the anticipated impact of development on neighbours. The proposal would intercept the 45 and 25-degree lines from window A. These lines would catch the corner of the proposal and a small part of its roof. However, this would occur after a relatively significant distance. Therefore, due to the minor breach and distance of interception, the impact on the window would be substantially lessened. In terms of sunlight, the existing dwelling on the appeal site would already reduce late afternoon sunlight to window A, being set forward of the neighbouring dwelling. As such, the proposal would not substantially further compromise sunlight to this window. Consequently, the effect on neighbour's living conditions with respect to sunlight, daylight and outlook would not be demonstrably harmful.
11. Accordingly, the proposal would satisfy policies CS.9 and CS.20 of the CS, which seek development that would be sensitive to neighbouring uses and comply with the Council's Development Requirement Guidance.

Other matters

12. Representations received raised concerns that the proposal would be overbearing. However, the proposal would align with the neighbouring dwelling's rear building line and the nearest proposed first floor rear window would serve an ensuite. This would therefore result in limited overlooking, into the neighbouring rear garden. Furthermore, due to its alignment, the proposal would also not be overbearing to users of the rear garden area. Also, considering the effect on the driveway, the proposal would not substantially increase the presence of the appeal dwelling. Consequently, the frontage would not be significantly affected by the proposal.
13. The grade II listed building 'The Homeland' is close to the site. I have a statutory duty³ to have special regard to the desirability to preserve the setting of a listed building. The significance of 'The Homeland' derives from the architectural interest of both its exterior and interior; retaining many original features. The proposal is some distance from the listed building and separated by boundaries and intervening planting. The proposal would therefore not be overt or dominant within views of the listed building and preserve its setting.

Conditions

14. I have considered the use of conditions in line with the Government's Planning Practice Guidance. For clarity, I have applied the standard time frame and approved plans conditions. Also, the proposed materials are required to accord with the submitted details to respect the character and appearance of the area.

Conclusion

15. The appeal is allowed, and planning permission granted.

Ben Plenty INSPECTOR

³ Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990