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## Appeal Decision

Site visit made on 10 March 2020

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 18<sup>th</sup> March 2020**

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**Appeal Ref: APP/T3725/D/19/3241881**

**107 Mallory Road, Bishops Tachbrook CV33 9QZ**

- 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 Hussain against the decision of Warwick District Council.
  - The application Ref: W/19/1104, dated 27 June 2019, was refused by notice dated 9 September 2019.
  - The development proposed was originally described as a "2 storey side extension, to provide Kitchen/diner and 2 en-suite bedrooms."
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### Decision

1. The appeal is dismissed insofar as it relates to the erection of a two storey side and rear extension. The appeal is allowed insofar as it relates to a front porch and planning permission is granted for a front porch at 107 Mallory Road, Bishops Tachbrook CV33 9QZ in accordance with the terms of the application, Ref: W/19/1104, dated 27 June 2019, 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: MRH300 003 Rev E dated 25.06.
  - 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 description of development in the banner heading above is taken from the planning application form. The decision notice describes the proposal as "the erection of two storey side and rear extension and front porch". I have considered the appeal on this basis as it more accurately reflects the proposal before me and, therefore, I have used this description in my decision paragraph above. The same description has been used on the appeal form.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building and the area.

## Reasons

4. The appeal property comprises a predominantly 2 storey semi-detached house that is located on a corner plot. The house is well set off the fenced side boundary with Holt Avenue by a garden area and so maintains a sense of openness. The front of the site on Mallory Road has an open frontage which also extends part way up the Holt Avenue frontage.
5. The nearest properties on the same side of Holt Avenue are positioned in a fairly uniform and unassuming arrangement of semi-detached houses. They maintain a clear building line and are set back from their site frontages, which are defined by low forms of enclosure. As a consequence, the appeal site is clearly visible for some distance along Holt Avenue and this reveals that the existing side elevation wall of the house adheres to the building line.
6. The Council's Residential Design Guide Supplementary Planning Document (2018) (SPD) seeks to promote high quality and innovative design, sensitive to and in keeping with the area in which it is located. It provides detailed design guidance and states that side extensions should be no more than 2/3 of the width of the original property. It also seeks to avoid the design of any extension on corner plots that substantially reduces the openness.
7. There is no dispute between the main parties that the width of the proposed two storey side and rear extension (proposed extension) would be greater than the 2/3 guideline in the SPD. Whilst I would accept that exceeding the SPD tolerances does not equate to unacceptable harm, the proposed extension would be clearly very substantially sized compared to the existing house. Its marked width would extend beyond the existing rear elevation of the 2 storey part of the house to form the rear element and abut an existing single storey projection.
8. Accordingly, it would not be a subservient addition. This would not be satisfactorily addressed by the set down from the main roof ridge of the house and the set-back from the front elevation, to accord with the SPD in other respects, and with the use of matching materials and detailing. These matters would not overcome the harm caused by its scale.
9. Such detrimental effects would extend beyond simply the host dwelling. With the proposed extension's prominent siting on a corner plot, its bulk, mass and height would be highly visible. It would extend considerably forward of the building line on Holt Avenue and appear noticeably uncomfortable in these more uniform surroundings as an incongruous feature.
10. Its siting and scale would also result in a significant reduction in the openness because much of the side garden area would give way to the proposed extension. That the rest of the garden areas would remain would not adequately overcome what would be a substantial loss of openness, as would be experienced from Holt Avenue, in particular. The SPD cautions against such a loss, and this would be a consequence of the proposed extension that would further reinforce the loss of local character.
11. Concerning the dwelling that I have been referred to at 80 Holt Avenue (No 80), it still maintains a sizeable gap to the side frontage which gives rise to a greater degree of openness than would result from the proposed extension, even though No 80 projects forward of the building line of the properties to the

rear. Hence, it does not demonstrate that the site could ably accommodate the proposed extension. In addition, when considering matters of character and appearance, it is dependent on the particular site circumstances and the proposal. As I have set out above, the SPD is not in any event intended to be used prescriptively in this regard. The same applies concerning the 2 Frances Avenue extension<sup>1</sup> in Warwick, not least as it lies some distance away and has a minimal bearing on the local character to the site.

12. As regards the terminology that has been used by the Council, it simply seeks to describe the effects of the proposal. It does not have to appear in planning policy for it to resonate as to what the likely impacts would be. Thereafter, it is to be established whether or not the proposal would comply with planning policy.
13. I conclude that the proposed extension would have an unacceptable effect on the character and appearance of the building and the area. As such, it would not comply with Policy BE1 of the Warwick District Local Plan 2011-2029 (2017) where it states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design, and the associated criteria that it expects development proposals to demonstrate. These include respecting surrounding buildings in terms of scale, height, form and massing, amongst other considerations.
14. It would also not accord with paragraph 130 of the National Planning Policy Framework (Framework), where it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area, amidst other matters. It would also not accord with the SPD because it would not constitute high quality and innovative design.
15. The proposed porch causes less of a concern. It would be a fairly diminutive structure that would not be untypical of those found in the immediate environs of the site. It would not be unacceptable by way of the effect on the character and appearance of the building and the area. This part of the proposal would comply with Policy BE1, the Framework and the SPD.

### **Other Matters**

16. As a fallback position, the appellant has suggested there would be little difference if the proposed extension was built to the SPD width guidelines. There is not the evidence before me, though, that establishes that such an extension has planning permission and, moreover, it would also have to address the matters that the SPD raises by way of the effect on the openness of the corner plot. This tempers the weight that can be attributed to the fallback position and it does not justify the proposed extension that is for my consideration.
17. The purported effects associated with a smaller extension and the internal layout seem largely personal matters and have a limited bearing on my decision. The current use as principally a garden would not in itself constitute an inefficient use of land. That the proposed extension would not be unacceptable in relation to the effect on the living conditions of the occupiers of neighbouring properties, and in other respects, attracts neutral weight. These

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<sup>1</sup> Council ref: W/16/0433

matters do not outweigh the harm that would arise from the proposed extension.

18. The appellant has also referred to the presumption in favour of sustainable development. The Framework makes it clear that good design is a key aspect of sustainable development and, for the reasons that I have set out above, the proposed extension would fail in this regard, including when Policy BE1 of the development plan is considered. The presumption would not favour the proposed extension.

### **Conditions**

19. Concerning the proposed porch, as well as the statutory time limit condition, I have imposed a condition specifying the relevant drawing as this provides certainty. I have also imposed a condition so that the materials match the existing building, in the interests of protecting the character and appearance of the building and the area.

### **Conclusion**

20. I conclude that the appeal should be allowed insofar as it relates to the front porch but dismissed insofar as it relates to the proposed extension.

*Darren Hendley*

INSPECTOR