
Appeal Decision

Site visit made on 21 February 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Appeal Ref: APP/J3720/W/19/3221080

9 Kineton Road, Wellesbourne, Warwick, CV35 9NE

- 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 & Mrs Albert and Mary Holbert against the decision of Stratford-on-Avon District Council.
 - The application Ref 18/01600/FUL, dated 1 June 2018, was refused by notice dated 23 January 2019.
 - The development proposed is construction of one detached bungalow with all associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of one detached bungalow with all associated works at 9 Kineton Road, Wellesbourne, Warwick, CV35 9NE, in accordance with the terms of the application Ref: 18/01600/FUL, dated 1 June 2018, and subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of No 7D Kineton Road with particular regard to daylight and sunlight.

Reasons

Character and appearance

3. The site currently forms part of the garden area to No 9 Kineton Road and is occupied by a substantial detached single storey garage with parking to its frontage. The northern side of Kineton Road is predominately residential and there is a distinct linear character to the development.
4. There is some considerable variation to the styles and designs of dwellings along this section of Kineton Road, with spacing between dwellings also varying significantly. The dwellings however are generally set back substantially from their front boundaries with low level boundary treatment, and often with frontage parking. To the south and west of the appeal site the variety within the street scene continues, albeit with a greater prevalence of commercial and community uses.

5. The appeal scheme proposes the demolition of the existing garage and erection of a single storey dwelling. It is acknowledged that the dwellings in the vicinity are predominately two-storey, though as detailed above there is significant variation in the street scene. There are single storey commercial buildings and dormer bungalows in the vicinity that are interspersed between two-storey development.
6. In addition, the proposed dwelling would be very similar in size, style and design to an existing dwelling at No 13A Kinton Road. Although that dwelling retains greater separation to development at either side, the dwelling itself is in close proximity to its site boundaries. There is also development in close proximity to the rear boundary of No 13A and the depth of the plot is limited. The proposed dwelling would be within a larger plot, albeit in closer proximity to built development at either side. Whilst there are differences between these sites this just highlights the varied mix of development in the vicinity.
7. I saw on my site visit that there is no consistent spacing between development along this stretch of Kinton Road. Whilst the majority of dwellings are inset from their site boundaries, spacing between built development varies, and in some cases, such as between Nos 9A & 11 or Nos 15 & 15A, is very limited.
8. The proposed dwelling would follow the existing linear arrangement on Kinton Road and be inset from the side boundaries of the site. Furthermore, it would incorporate a significant set back from the site frontage and a substantial rear garden. Therefore, the proposal would not result in overdevelopment. Although the proposed single storey dwelling would be in close proximity to the existing two-storey development at No7D and No 9, this arrangement would not be uncharacteristic of the street scene or surrounding area, nor appear unduly cramped.
9. Frontage parking is a common feature along Kinton Road and there is already parking provision to the site frontage which is screened by existing boundary treatment. This arrangement would not be significantly altered as part of the appeal scheme, and any additional visual impacts would be limited.
10. The appeal site is located on a main thoroughfare, though it is not within an overly prominent position. Whilst it is close to the road junction of Kinton Road with School Lane, and local facilities, such as the library, it would be viewed within the context of the existing linear development. The design of the dwelling would be reflective of existing development in the vicinity and its siting and layout would be in keeping with the prevailing pattern of development in the surrounding area.
11. On the basis of the above the proposal would not result in a harmful impact on the character and appearance of the area and the proposal therefore accords with the overall aims of Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policy WW9 of the Wellesbourne and Walton Neighbourhood Plan 2016-2031, which seek to ensure that developments achieve a high quality of design having regard to existing character and local distinctiveness.

Living conditions

12. The appeal site is located to the south-east of No 7D Kinton Road, which is a two and a half storey semi-detached property. The existing garage at the

appeal site closely adjoins the side boundary with this dwelling and there is a high close board fence and a mature hedge which, whilst sparser directly adjacent to the dwelling, is substantially higher than the fencing to the rear of the site.

13. The existing boundary treatment and hedge result in shading to the rear of No 7D and considering the orientation of the site in relation to this property, there is the potential for increased overshadowing from the proposed dwelling.
14. The proposal however is for a single storey building and the roof would slope away from the site boundary. Furthermore, the proposed dwelling would not extend significantly beyond the existing rear elevation of No 7D and it would be inset from the site boundary, with greater separation to the rear, as the proposed dwelling angles away from the boundary. Having viewed the appeal site from the garden of No 7D, I consider there would be limited effects on sunlight and daylight to the area at the rear of this property and the proposal would not result in unacceptable harm to their living conditions.
15. I have considered the concerns raised by neighbours in relation to the impact of the proposed dwelling on an existing kitchen-dining window to the side of No 7D, which is in close proximity to the site boundary. My attention has been drawn to a previous Inspector's decision¹. The Inspector for that appeal considered the proposal would have an adverse effect on the existing kitchen-dining window to the side of No 7D in terms of outlook, loss of light and loss of sunlight.
16. Whilst I have taken this into account, I note that the proposal he considered was for a two-storey dwelling with accommodation within the roof space to be located adjacent to No 7D. As highlighted by the Inspector in his report, that development would have resulted in a considerable built mass that would have been substantially more than the existing arrangement.
17. On my site visit I viewed the appeal site from within the kitchen-dining room at No 7D. I saw that the outlook from this window is currently directly onto the existing boundary fence and rear section of the detached garage, with No 9 beyond. There would be limited separation between this window and the proposed dwelling though, as detailed above, the inset and angle of the dwelling and that it would be single storey with the roof sloping away from the boundary, would limit any impacts with regards to outlook, sunlight or daylight.
18. There would still be an appreciation of the open skyline in outward views from No 7D, particularly to the north-east, the window would still receive reasonable levels of sunlight and daylight and the relationship between built form would not be substantially more than the existing arrangement.
19. Furthermore, the kitchen-dining room is also served by double patio doors to the rear elevation which, although they face north-east and therefore receive less sunlight, would still provide another source of daylight and outlook.
20. The proposal before me is different to that considered by the previous Inspector, and I have considered the present appeal on its own merits. On the basis of the above, I do not consider the proposal would result in a harmful

¹ APP/J3720/W/16/3157804

impact on the existing side kitchen-dining window at No 7D, and therefore would not result in any unacceptable harmful impact on their living conditions.

21. There are two windows proposed to the side elevation of the dwelling that would face onto the boundary with No 7D, one for a bathroom and the other a secondary window to the kitchen. The main outlook from these windows would be on to the boundary fence, and opportunity for overlooking would be limited. There are also two rooflights proposed to the north-west roof slope. These would be small and positioned at an angle and therefore have limited impact with regards to overlooking. I note that the Council also raised no concerns in relation to these matters.
22. On the basis of the above, I consider the proposals would not result in unacceptable harm to the living conditions of the occupants of No 7D and, as such, the proposal accords with CS Policy CS.9 which seeks to ensure that existing occupants are protected from any unacceptable loss of daylight.

Other Matters

23. The Council have stated that they can demonstrate a 5-year housing land supply, and whilst concerns have been raised regarding the level of development in Wellesbourne, there is little detail before me on this matter. The site is located within the built-up area, close to local services and facilities, where development should be directed. The housing targets are not a maximum, and this is therefore not a reason to withhold permission.
24. The demolition of the garage would remove existing parking provision for No 9, though alternative parking for that dwelling is shown on the proposed layout. I note the Council and Highways Officer have raised no concerns with regards to the parking provision or its layout and I see no reason to disagree. Whilst the construction process is likely to result in noise and general disturbance it would be short-term. These other matters do not, therefore, lead me to a different conclusion.

Conditions

25. The Council has suggested a number of conditions to the appeal which I have considered in relation to the advice in the National Planning Policy Framework and Planning Practice Guidance (PPG). As a result, I have amended some of them for consistency and clarity.
26. In addition to the standard condition, which sets out the time limit for implementation, I have specified the approved plans for the avoidance of doubt and to provide certainty. A condition in relation to materials is necessary to safeguard the character and appearance of the area.
27. It is acknowledged that the submitted plans indicate landscaping proposals though I do not consider these are sufficiently clear or precise with regards to landscaping. A condition relating to the hard and soft landscaping is therefore necessary to protect the character and appearance of the area. However, considering the proposal is for a single dwelling, and I saw on my site visit that the site is relatively flat, with limited existing landscape features and no ponds, the wording suggested by the Council is particularly onerous. I do not consider that this wording would meet the tests set out in the PPG and so have amended it accordingly to utilise more succinct wording.

28. Conditions relating to the widening of the existing vehicular access, surfacing materials, details of any gates to be provided at the entrance and provision of car parking are reasonable and necessary in the interests of highway safety.
29. A condition requiring the provision of a water butt is reasonable to ensure water resources are conserved. A condition relating to the installation of an electric vehicle charging point is necessary in the interests of environmental sustainability. In the interests of the character and appearance of the area, and to ensure adequate provision for refuse facilities, a condition requiring details of bin storage is also necessary. A condition requiring the removal of debris from the demolition of the existing garage would not be necessary and could prevent its reuse in the construction process, it has therefore not been included.

Conclusion

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

A Denby

INSPECTOR

Schedule of 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 approved plans listed: Location Plan (job ref:18.3514); 18.3514.05D-sheet 1 of 2; and 18.3514.06A Sheet 2 of 2.
- 3) No construction above slab level, shall be undertaken until, details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) The dwelling hereby permitted shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall thereafter be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the development in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The dwelling hereby permitted shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres for a distance of at least 7.5metres, as measured from the near edge of the public highway carriageway.

- 6) The access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5metres, as measured from the near edge of the public highway carriageway.
- 7) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing number 18.3514.05D-sheet 1 of 2 for the parking of vehicles and that space shall thereafter be kept available at all times for the parking of vehicles.
- 8) Any gates to be erected at the vehicular access to the site shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway.
- 9) Prior to occupation of the dwelling hereby permitted, a water butt with a minimum 190 litre capacity and fitted with a child-proof lid shall be connected to the downpipe of the dwelling and thereafter remain available for use.
- 10) Prior to the occupation of the dwelling hereby permitted, an electric vehicle charging connection, of at least 7Kw supply, shall have been provided. Thereafter the connection shall be retained and remain available for that purpose, in perpetuity.
- 11) Prior to the occupation of the dwelling hereby permitted, details of a bin storage area, to be located to the rear of the property, shall have been submitted to and approved in writing by the local planning authority, and 3 bins for the purposes of refuse, recycling and green waste shall have been provided for the dwelling in accordance with the Council's bin specifications. The development shall thereafter be carried out in accordance with the approved details and the bin storage area shall remain available for such use at all times.