
Appeal Decision

Site visit made on 16 March 2020 by AJ Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27h April 2020

Appeal Ref: APP/J3720/D/20/3247009

62 Joseph Way, Stratford Upon Avon, CV37 0TL

- 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 Mrs Sally Slattery against the decision of Stratford on Avon District Council.
 - The application Ref 19/02145/FUL, dated 29 November 2018, was refused by notice dated 21 November 2019.
 - The development proposed is replacement of existing extension with new one.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Council's decision notice refers to No 60 Josephs Road. The adjoining property is No 60 Joseph Way and I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the host dwelling and the surrounding area; and
 - The effect of the development on the living conditions of occupiers of No 60 Joseph Way, particularly with regard to light and outlook.

Reasons for Recommendation

5. The appeal property is a small semi-detached bungalow, set on a corner plot, in a modern residential estate. Surrounding properties predominately comprise short terraces of two storey dwellings, constructed in brick, some of which are rendered. The grain of development is fairly close knit, and the layout curvilinear.
6. The development had commenced at the time of the site visit, and the shell form of the extension has been constructed, complete with the flat roof.

Character and Appearance

7. The bungalow is located in a prominent corner position and its low profile provides some sense of space in what is, otherwise, a fairly densely developed estate.
8. The extension is a sizeable addition to the small host dwelling. However, it is set to the rear and by virtue of its flat roof and rearward projection appears subservient in scale to the host dwelling. Moreover, whilst there is a slight colour variation in the bricks which form the extension, compared with those existing at the base of the host dwelling, the contrast is not visually jarring and is softened by the predominance of render on the appeal property.
9. The extension is not conspicuous from the street, with only part of the weather board on the flat roof visible above the side boundary wall, and glimpses possible from the rear and corner where the boundary wall is stepped down. The board material used is not prevalent in the surrounding area, but its visual effect is minimised by its low profile and colour match with the render which prevents it appearing incongruous or unduly dominant when viewed from the street. In short, the development is not clearly visible from the public realm and localised views from Joseph Way have not been materially changed by the presence of the extension.
10. In light of the above, I conclude that the extension is of a design and appearance that respects the character and appearance of the host property and it does not cause harm to the character and appearance of the surrounding area. The development complies with Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011 – 2031 (Core Strategy) which amongst other matters seeks to ensure local distinctiveness and quality of design, requiring all forms of development to improve the quality of the public realm and enhance sense of place, reflecting the character and distinctiveness of the locality, and Policy CS.20 of the Core Strategy which requires modifications to houses to be of an appropriate scale and subservient in relation to the existing building.
11. Furthermore, there is no conflict with the Development Requirements Supplementary Planning Document (SPD), Parts A and B which set out the principles of good design, which include consideration of context, character and local distinctiveness.

Living Conditions

12. The relationship of the extension to No 60 in terms of its orientation and design ensures that there is no loss of light to the rear rooms or garden of this property.
13. However, the extension is built close to the shared boundary with No 60 and its short rear garden. It forms a solid wall along a large proportion of the boundary, which is visible from the rear windows of this property and its garden. The position of the extension, combined with the bulk of its form has resulted in an enclosing effect to the rear garden space, which is overwhelming and as such renders the use of the rear garden and the two rear bedrooms materially less pleasant for the occupiers of No 60. This harmful effect would in no way be mitigated by the replacement of a fence on the shared boundary.
14. I note that the development replaces an older extension which was in poor repair. However, the projection of the development is substantially larger than

the previous extension and it is also closer to the shared boundary. As such the new development has a considerably greater adverse effect than the previously built form.

15. Whilst I have had regard to the removal of the leylandii, my assessment is based on the merits of the development before me. Any benefit indicated does not address the material harm that the development has on the living conditions of occupiers of No 60.
16. It is concluded that the development has an overbearing and harmful effect on the outlook from the rear windows of No 60 and its rear garden environment which is likely to have an adverse effect on the living conditions experienced by occupiers of this property. Therefore, the development is contrary to relevant aspects of Policies CS.9 and CS.20 of the Core Strategy, which amongst other matters, requires that good standards of amenity for occupiers is provided, with occupants of neighbouring buildings being protected from adverse surroundings.
17. Furthermore, the development is contrary to the Development Requirements SPD which seeks, amongst other matters, for development to result in good design creating healthy, sustainable and liveable environments.

Other Matters

18. In reaching this conclusion I have had regard to the appellant's assertion that the development is similar to that at Nos 66, 68 and 70. No 70 is a two-storey dwelling with what appears to be a two-storey side extension. Nos 66 and 68 are mid terrace 1 ½ storey dwellings. As such these properties differ materially from that of the appeal property and therefore this matter has not been determinant in reaching my recommendation in this case.

Conclusion and Recommendation

19. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR