



Appeal Decision

Site visit made on 10 March 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2020

Appeal Ref: APP/T3725/D/19/3242183

20 Hatton Terrace, Birmingham Road, Hatton CV35 7JS

- 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 Cunningham against the decision of Warwick District Council.
 - The application Ref W/19/1347, dated 9 August 2019, was refused by notice dated 2 October 2019.
 - The development proposed is described as 'Minor changes to W/18/1885'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey front extension and two storey rear/side extension at 20 Hatton Terrace, Birmingham Road, Hatton CV35 7JS in accordance with the terms of the application Ref W/19/1347, dated 9 August 2019, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be constructed in materials that match those of the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved drawings: Site Location Plan:2018-004 SLP01; Existing Site Plan:2018-004-S01; Existing Ground Floor Plan:2018-004-S02; Existing First Floor Plan:2018-004-S03; Existing Roof Plan:2018-004-S04; Existing Northeast Elevations:2018-004-S05; Existing Northwest Elevations:2018-004-S06; Existing Southwest Elevations:2018-004-S07; Proposed Site Plan:1377-0502-02; Proposed Plans:1377-0500-03 and Proposed Elevations:1377-0501-04.
 - 4) The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, supervision by a qualified bat worker and replacement roost details) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the local planning authority. Thereafter, the mitigation measures shall be implemented in accordance with the approved schedule and retained for the life of the development.

Preliminary matter

2. The appellant's description of the development as provided on the application form is unclear. Therefore, for the purposes of my Decision and in the interests

of clarity and precision, I have adapted the description of the development as provided by the Council on its decision notice.

Main Issues

3. The main issues are the effect of the proposed development on: a) the character and appearance of the area, including the Canal Conservation Area (CA); and, b) protected species (bats).

Reasons

Character and appearance

4. The appeal property 20 Hatton Terrace (No 20) comprises a two-storey, semi-detached dwelling. The site falls within the Green Belt and also forms part of the CA. From the information before me and my visit, the significance of the CA is largely derived from development along the nearby canal.
5. No 20 is located at the end of a distinct row of dwellings (Hatton Terrace) arranged in pairs. These properties incorporate extensive rear gardens which back onto the canal and are dissected by a shared private driveway.
6. Properties along Hatton Terrace are generally similar in terms of form, style and appearance. However, there are some variations, including 1 Hatton Terrace, which incorporates single and two-storey extensions. Most notably, these properties include projecting gables which extend partly across their front elevations. On some properties the original recessed sections of the front elevations have been infilled with two-storey extensions. These are generally narrower with lower ridge heights relative to the projecting gables. This provides consistency in their appearance which creates a strong rhythm to the streetscene.
7. The proposed two-storey side extension would extend the footprint of the building to the side. Nevertheless, this follows the form of the host property and incorporates an appreciably lower ridge height than the main roof and would be set-back from its principal elevation.
8. The proposed front extension does not incorporate a 450mm set-back from the projecting gable, as recommended in the Council's Residential Design Guide. Despite this, the proposed arrangement would be broadly consistent with other front extensions along Hatton Terrace, and a previously approved front extension to the appeal property¹, which despite being of a similar size to that proposed in the appeal scheme, did not incorporate a 450mm set-back.
9. Moreover, due to its overall form and by incorporating a lower ridge height than the projecting gable, the proposed front extension would further replicate the nearby infill two-storey extensions. Whilst this extension would be wider than other front extensions along Hatton Terrace it would still be narrower than the projecting gable at No 20. Furthermore, its width would be absorbed by the proposed side extension and the open area to the side of this particular property.
10. Consequently, due to their overall form, scale and design the proposed extensions would appear subservient and cohesive with the design of the host property and therefore would not appreciably disrupt the established

¹ Planning application Ref: W/18/1885

appearance and rhythm to the streetscene. In light of this and because the siting of the proposed extensions would not have any discernible effect on views towards or from the canal. The proposed development would also safeguard the significance of the CA.

11. For the above reasons, the proposed development would not harm the character and appearance of the area and would also preserve the character and appearance of the CA. Consequently, the proposal would not be contrary to Policy BE1 of the Warwick District Local Plan 2011-2029 (LP) which amongst other things states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Accordingly, I also find no conflict with Policy HE2 of the LP, which requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

Protected species

12. The planning application was supported by a 'Phase 1 Bat Survey'. Although the survey is dated 7 May 2017, at paragraph 2.3.2 it states that the building was surveyed on the 2 May 2018. Subsequently, this was confirmed in an email² from the author of the survey to the Council's ecologist. I therefore consider the survey to be relatively up to date.
13. The survey found that a single bat, probably a pipistrelle bat (*Pipistrellus pipistrellus*), has been present for a very short period of time within the enclosed roof void or under the ridge cavity at No 20. Further, that this property is considered to be of limited to moderate bat roosting potential for both attic-dwelling and crevice-dwelling species. However, the lack of a roof lining on the main part of the house reduces the potential for the latter group of species and the abundance of dust and cobwebs in the attic indicates that the former group have not been present for some time, if at all.
14. The survey also confirms that all the potential roosting areas with suitable access had been inspected and that no further survey work was necessary. Furthermore, that based on the proposals and the extent of works proposed to the No 20, these are unlikely to have an impact upon bats. Notwithstanding this a precautionary approach is recommended during construction.
15. Nonetheless, the proposal does include a rooflight along the south west elevation of the property. This has the potential to impact on existing roosts. However, given the limited evidence of use associated with these, I concur with the recommendation of the Council's ecologist³ that this could be compensated for by including a bat box within the development, this along with the details, timing and supervision of such works could be secured by a condition as suggested by the Council.
16. In light of the above, the proposed development would not be in conflict with Policy NE2 of the LP which amongst other matters seeks to protect priority species. I also find no conflict with similar aims of the National Planning Policy Framework ('the Framework').

² Email from appellant's ecologist to Council's assistant ecologist, dated 18 November 2019

³ Email correspondence between Council's assistant ecologist to appellant's ecologist, dated 26 and 27 November 2019.

17. Furthermore, the information before me in relation to bats, and the extent to which they might be affected by the proposed development, is sufficient to meet the objectives of Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System'.

Conditions

18. I have considered the conditions put forward by the Council in light of the requirements of the National Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the approved drawings as this provides certainty. A condition requiring materials to match those on the existing dwelling is necessary to ensure the satisfactory appearance of the development and area.
19. For the reasons already given, I have imposed a condition requiring bat mitigation measures. This condition prevents the approved development from commencing until it has been complied with and is considered fundamental to the development hereby approved. It is necessary for it to take the form of a 'pre-commencement' condition in order to have the intended effect.

Conclusion

20. For the above reasons, I conclude that the appeal is allowed.

M Aqbal
INSPECTOR