



Appeal Decision

Site visit made on 9 June 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/T3735/D/20/3246258

2 Penns Close, Cubbington CV32 7LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Richard and Carol Hyam against the decision of Warwick District Council.
 - The application Ref W/19/1285, dated 26 July 2019, was refused by notice dated 9 January 2020.
 - The application sought planning permission for erection of a front dormer, front porch and two storey side extension with dormer (Retrospective) without complying with a condition attached to planning permission Ref W/19/0287, dated 18 April 2019.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 4 PA K2 00, and specification contained therein, submitted on 25th February 2019.*
 - The reason given for the condition is: *For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.*
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Decision

1. The appeal is allowed and planning permission is granted for erection of a front dormer, front porch and two storey side extension with dormer (Retrospective) at 2 Penns Close, Cubbington CV32 7LX without complying with condition No. 2 previously imposed on planning permission Ref W/19/0287, dated 18 April 2019, but subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: drawing nos. 4 E LPQ2 00 (Location Plan) and 4 PA K2 05 (Proposed Plans, Elevations and Section).

Background and Main Issue

2. Planning permission was granted for a front dormer, front porch and two storey side extension with dormer (Retrospective) at 2 Penns Close in April 2019. The appellants seek to vary condition No. 2 of the previous permission in order to reflect a number of changes to the detailed roof and rear dormer design to the development shown in the approved scheme that has been completed.
3. Paragraph 55 of the National Planning Policy Framework 2019 (the Framework) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted,

enforceable, precise and reasonable in all other respects. With this in mind, the main issue is whether condition No. 2 is reasonable and necessary in order to protect the character and appearance of the host property and the area.

Reasons

4. The appeal property comprises of a semi-detached dwelling that occupies a corner position close to the junction of Penns Close and High Street. It is located within a mature well-established residential area, typically characterised by detached and semi-detached properties set back from the road behind a front garden/driveway. The topography of the site and the road to the front gradually falls away from High Street along the existing cul de sac.
5. The Council's Residential Design Guidance Supplementary Planning Document 2018 (SPD) states that side extensions should be no more than 2/3 of the width of the original property and have a minimum set down of 225mm from the ridge of the main roof in order to appear subordinate to the main dwelling. In this case, planning permission was granted for a side extension that was over 2/3 of the width of the host property and set down about 225mm. However, as constructed, the extension is set down about 0.1m from the ridge.
6. Given the site's location and the curvature of the road, the change in the roof design is only visible over short distances when passing the site. It is seen in the context of the existing extension and alterations to the appeal property and the varied roof and building heights of the adjacent properties as a result of the changing site levels within the immediate locality.
7. Against this backdrop, the change in the roof design does not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The use of matching materials, fenestrations and the modest scale of the change ensures that the extension sits relatively unobtrusively against the existing built form of the main property and allows it to achieve an appropriate degree of subordination to the main house. I therefore consider that the overall change in the roof design does not significantly detract from the architectural integrity of the host property and limits any significant adverse impacts on the street scene.
8. Consequently, I conclude that condition No. 2 is not reasonable and necessary and that the development does not have a significant harmful effect on the character and appearance of the host property and the area. It is consistent with Policy BE1 of Warwick District Local Plan 2017 and the Council's SPD. This policy and guidance, amongst other things, seeks to ensure that development positively contributes to the character and quality of the environment through good design and layout.
9. Having regard to the Framework, and in particular paragraph 55, I have specified the approved plans as a planning condition as this provides certainty.
10. For the reasons given above, and having regard to all other matters raised, I conclude that condition No 2 should be varied and the appeal should be allowed.

David Troy

INSPECTOR