



Appeal Decision

Site visit made on 13 July 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/T3725/D/20/3252999

1 St Paul's Terrace, Linen Street, Warwick CV34 4DX

- 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 J Bajralija against the decision of Warwick District Council.
 - The application Ref W/20/0317, dated 27 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is the demolition of rear single storey building and garden wall. Erection of single and two storey extension to side and rear to create additional living space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of Warwick Conservation Area; and,
 - the effect of the proposed development on the living conditions of the occupiers of No 2 with regard to outlook.

Reasons

3. The appeal site is located within Warwick Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies HE1 and BE1 of the Warwick District Local Plan require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.
4. The Conservation Area covers the Castle, its park and those parts of the town centre and its environs that contain historic and well-designed older and buildings. Timber framed buildings and the use of stone, brick, slate and tile is widespread. The significance of the Conservation Area and the buildings of note within it, which date from the medieval period through to the Victorian era, is therefore architectural and historical.
5. The appeal site is a narrow Victorian end terraced house on the corner of Linen Street. To the front of the terrace is a footway that only gives access to the dwellings. However, as the house is on the corner of Linen Street, which is a

well-used route for pedestrians walking across the racecourse, it forms a readily visible part of the streetscene and contributes to the character of the area.

6. In relation to the front of the house, as the side element of the proposed extension would be set down in height, set back from the front elevation and narrower than the width of the dwelling it would be subservient to it. As a result, the vertical emphasis of the front elevation would also be maintained. Moreover, as the side elevation would be set in slightly from the side boundary and would not project beyond the building line of the nearest houses behind it on Linen Street it would not protrude in views along the street. In terms of architectural detail, the features of the extension would complement the existing house.
7. The single storey outrigger attached to the rear of the house would be replaced by a part two storey, part one storey outrigger. Two storey outriggers are a feature of the terrace and are shared between adjacent houses. Whilst the outrigger to No 1 would only serve that house, the width of the proposed outrigger extending partly across the rear of the house and extending across the whole width of the side extension would be sufficiently wide to complement rather than be at odds with the rhythm of outriggers to the rear of the terrace. The stepping down in height of the outrigger from two storey to one storey at the rear would also vary the roof line of the side elevation and provide visual interest.
8. For all of these reasons, I therefore conclude that the proposed development would complement and preserve the character and appearance of the Conservation Area as a whole and would not harm its significance. As a result, it would comply with policies HE1 and BE1 of the Local Plan.

Living conditions

9. To provide a consistent approach that balances protecting the living conditions of neighbours against those wishing to extend properties the Council has adopted supplementary planning guidance which is titled 'The 45 Degree Guideline' (SPG). As the SPG was formally adopted following public consultation I attach significant weight to it.
10. At present the outlook over No 1 from the two rear habitable room windows at No 2 is open at first floor level and partially encumbered at ground floor level by the single storey rear outrigger at No 1 which breaches the 45 degree line. In relation to the appeal proposal, on the basis of the submitted plan showing the 45 degree line, the extent of the proposed two storey element of the outrigger would comply with the guideline in relation to the ground and first floor rear windows at No 2. However, the single storey element of the outrigger would be materially longer than the existing outrigger and extend almost to the rear boundary. In combination with its dual pitched roof, which would be taller than the shallow angled monopitch roof serving the existing outrigger, this would result in the extension unduly enclosing the outlook from the rear ground floor window at No 2.
11. Other rear windows along the terrace are enclosed by outriggers to a similar or greater extent and the neighbours at No 2 have not complained. However, the construction of the terrace predates the current planning system whose

functions include securing good living conditions for existing and future occupants of buildings which is something that the proposal would fail to do.

12. For all of these reasons, I therefore conclude that the proposed development would result in an enclosed overbearing outlook from the rear ground floor window of No 2 which would unacceptably harm living conditions. This would be contrary to policy BE3 of the Local Plan which seeks to prevent such harm and the SPG.

Conclusion

13. Whilst the proposed development would complement the character and appearance of the area, given the harm to living conditions that would occur, I conclude that it would be contrary to the development plan considered as a whole. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector